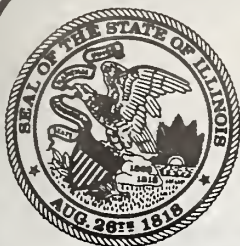


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ALAN J. DIXON
Secretary of State

(Index Division)
(Rules Section)

VOLUME 2
ISSUE 10

MARCH 10,
1978

T.C. Christian, Editor
Index Department
Rules Division
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ILLINOIS REGISTER

Rules and Regulations of Governmental Agencies

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STATE OF ILLINOIS
HONORABLE CLERK OF THE SUPREME COURT

NOTICE OF REPEAL

Illinois Department on Aging -- Repeal of Title V Application (application for funds to acquire, alter, or renovate existing facilities, including the initial equipment of such facilities, to serve as Multi-Purpose Senior Centers).

The Illinois Department on Aging proposes to repeal the rule for the Application for funds under Title V of the Older Americans Act (Chap. XIII, Sub Chap. C, Part 1326) because the form is now obsolete.

If any interested persons wish to present their views concerning this rule, they may do so by sending written comments to the attention of:

Mr. David B. Monson, Acting Director
Illinois Department on Aging
2401 West Jefferson Street
Springfield, Illinois 62706

The Department will consider all written comments received by the Department within 14 days, beginning on the date of publication of this Notice.

ILLINOIS DEPARTMENT ON AGING

FY 1977

TITLE V

OLDER AMERICANS ACT OF 1965

Submitted _____, 1977, by

Agency_____
Street Address_____
City_____
Zip Code()

Telephone

To

Illinois Department on Aging
2401 West Jefferson Street
Springfield, Illinois 62706

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INTRODUCTION

WORKING DEFINITION OF SENIOR CENTER

APPLICATION FORMS

APPENDIX:

Suggested Review Criteria

Acts and Regulations

Title V of the Older Americans Act of 1965

Operating Principles of Senior Centers

INTRODUCTION

The purpose of Title V and its Regulations is to establish procedures for implementing Sections 501-505 of Title V of the Older Americans Act of 1976, as amended, which provide for the making of Grants and Contracts to pay part of the costs of acquiring, altering, or renovating existing facilities, including the initial equipment of such facilities, to serve as multi-purpose senior centers.

WORKING DEFINITION OF A SENIOR CENTER

A Senior Center is a community focal point on aging where older persons, as individuals or in groups, come together for services and activities which enhance their dignity, support their independence, and encourage their involvement in and with the community. As part of a comprehensive community strategy to meet the needs of older persons, Senior Center Programs take place within and emanate from a facility. These programs consist of a variety of services and activities in such areas as education, creative arts, recreation, advocacy, leadership development, employment, health, nutrition, social work and other supportive services. The center also serves as a community resource for information on aging, for training professional and lay leadership and for developing new approaches to aging programs.

| | | | | | | | | | | | | | | | | | | | | | |
|--|----|---|---------------------------------|---|---|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| 1. TYPE OF ACTION (Mark one) <input type="checkbox"/> Reapplication <input type="checkbox"/> Application | | 2. APPLICATION DATE Year month day 19 | | 3. FEDERAL EMPLOYER IDENTIFICATION NUMBER: <table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table> | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | |
| 4. LEGAL APPLICANT/RECIPIENT a. Applicant Name : b. Organization Unit : c. Street/P.O. Box : d. City : e. County : f. State : g. ZIP Code : h. Contact person (Name & telephone number) : | | | | | | | | | | | | | | | | | | | | | |
| 5. TITLE AND DESCRIPTION OF APPLICANT'S PROJECT | | | | | 6. TYPE OF APPLICANT/RECIPIENT A—State H—Community Action Agency B—Interstate I—Higher Educational Institution C—Substate District J—Indian Tribe D—County K—Other (Specify): E—City F—School District _____ G—Special Purpose District Enter appropriate letter <input type="checkbox"/> | | | | | | | | | | | | | | | | |
| 7. AREA OF PROJECT IMPACT (Names of cities, counties, states, etc.) | | | | | | | | | | | | | | | | | | | | | |
| 8. ESTIMATED NUMBER OF PERSONS BENEFITING: | | | | | 9. TYPE OF APPLICATION A—New C—Revision E—Augmentation B—Renewal D—Continuation Enter appropriate letter <input type="checkbox"/> | | | | | | | | | | | | | | | | |
| 10. PROPOSED FUNDING | | | 11. CONGRESSIONAL DISTRICTS OF: | | 12. TYPE OF CHANGE (For 9c or 9e) | | | | | | | | | | | | | | | | |
| a. Federal | \$ | .00 | a. APPLICANT | b. PROJECT | A—Increase Dollars F—Other (specify): | | | | | | | | | | | | | | | | |
| b. Applicant | | .00 | | | B—Decrease Dollars | | | | | | | | | | | | | | | | |
| c. State | | .00 | 13. STARTING DATE: | | C—Increase Duration _____ | | | | | | | | | | | | | | | | |
| d. Local | | .00 | Year 19 month day | | D—Decrease Duration | | | | | | | | | | | | | | | | |
| e. Other | | .00 | 14. ENDING DATE: | | E—Cancellation | | | | | | | | | | | | | | | | |
| f. Total | \$ | .00 | Year 19 month day | | Enter appropriate letter(s) <table border="1"><tr><td></td><td></td><td></td></tr></table> | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | |
| 15. THE APPLICANT CERTIFIES THAT: a. To the best of my knowledge and belief, data in this preapplication/application are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is approved. b. If required by OMB Circular A-95 this application was submitted, pursuant to instructions therein, to appropriate clearinghouses and all responses are attached: (1) No response Response attached (2) <table border="1"><tr><td></td></tr><tr><td></td></tr><tr><td></td></tr></table> <table border="1"><tr><td></td></tr><tr><td></td></tr><tr><td></td></tr></table> (3) <table border="1"><tr><td></td></tr><tr><td></td></tr><tr><td></td></tr></table> <table border="1"><tr><td></td></tr><tr><td></td></tr><tr><td></td></tr></table> | | | | | | | | | | | | | | | | | | | | | |
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| 16. CERTIFYING REPRESENTATIVE: a. Typed Name and Title b. Signature c. Date Signed | | | | | | | | | | | | | | | | | | | | | |

SECTION I - REMARKS (Please reference the proper item number from Section I,
if applicable)

PROJECT APPROVAL INFORMATION

SECTION II

Item 1.

Does this assistance request require State,
local, regional, or other priority rating?
____ Yes ____ No

Name of Governing Body _____
Priority Rating _____

Item 2.

Does this assistance request require State,
or local advisory, educational or health
clearances? ____ Yes ____ No

Name of Agency or Board _____
(Attach Documentation)

Item 3.

Does this assistance request require clear-
inghouse review in accordance with OMB
Circular A-95? ____ Yes ____ No

(Attach Comments)

Item 4

Does this assistance request require State,
local, regional or other planning approval?
____ Yes ____ No

Name of Approving Agency _____
Date _____

Item 5

Is the proposed project covered by an
approved comprehensive plan?
____ Yes ____ No

Check one: State ____
Local ____
Regional ____
Location of Plan _____

Item 6

Will the assistance requested serve a
Federal installation? ____ Yes ____ No

Name of Federal Installation _____
Federal population benefiting from
Project _____

Item 7

Will the assistance requested be on Federal
land or installation? ____ Yes ____ No

Name of Federal Installation _____
Location of Federal Land _____
Percent of Project _____

Item 8

Will the assistance requested have an im-
pact or effect on the environment?
____ Yes ____ No

See instruction for additional information
to be provided.

Item 9

Will the assistance requested cause the dis-
placement of individuals, families,
businesses, or farms? ____ Yes ____ No

Number of:
Individuals _____
Families _____
Businesses _____
Farms _____

Item 10

Is there other related Federal assistance
on this project previous, pending, or
anticipated? ____ Yes ____ No

See instructions for additional informa-
tion provided.

CONSTRUCTION
SECTION III

1. SITES AND IMPROVEMENTS _____ Not Required _____ Attached as exhibits
Applicant intends to acquire the site through:
_____ Eminent domain _____ Negotiated purchase _____ Other means (specify)
2. TITLE OR OTHER INTEREST IN THE SITE IS OR WILL BE VESTED IN:
_____ Applicant _____ Agency or institution operating the facility
_____ Other (specify)
3. INDICATE WHETHER APPLICANT/OPERATOR HAS:
_____ Fee simple title _____ Leasehold interest _____ Other (specify)
4. IF APPLICANT OPERATOR HAS LEASEHOLD INTEREST, GIVE THE FOLLOWING INFORMATION:
 - a. Length of lease or other estate interest _____,
and number of years to run _____
 - b. Is lease renewable? _____ Yes _____ No
 - c. Current appraised value of land \$ _____
 - d. Annual rental rate \$ _____
5. ATTACH AN OPINION FROM ACCEPTABLE TITLE COUNSEL DESCRIBING THE INTEREST APPLICANT/OPERATOR HAS IN THE SITE AND CERTIFYING THAT THE ESTATE OR INTEREST IS LEGAL AND VALID.
6. WHERE APPLICABLE, ATTACH SITE SURVEY, SOIL INVESTIGATION REPORTS AND COPIES OF LAND APPRAISALS.
7. WHERE APPLICABLE, ATTACH CERTIFICATION FROM ARCHITECT ON THE FEASIBILITY OF IMPROVING EXISTING SITE TOPOGRAPHY.
8. ATTACH PLOT PLAN.
9. TARGET DATES FOR:
Bid Advertisement _____ Contract Award _____
Construction Completion _____ Occupancy _____
10. DESCRIPTION OF FACILITY: Attached as exhibits
Drawings - Attach any drawings which will assist in describing the project.
Specifications - Attach copies of completed outline specifications.
(If drawings and specifications have not been fully completed, please attach copies or working drawings that have been completed.)

SECTION IV

PROPOSED METHOD OF FINANCING NON-FEDERAL SHARE

| | |
|----------------------------------|----|
| 1. Grantee Share | \$ |
| a. Securities | |
| b. Mortgages | |
| c. Appropriations (By Applicant) | |
| d. Bonds | |
| e. Tax Levies | |
| f. Non-cash | |
| g. Other (Explain) | |
| h. TOTAL - Grantee share | |
| 2. Other Shares | |
| a. State | |
| b. Other | |
| c. Total Other Shares | |
| 3. TOTAL | |

REMARKS

PROGRAM NARRATIVE (Attach - See Instructions)

ILLINOIS REGISTER

APPLICANT PROCEDURES FOR SECTION I

Applicant will complete all items in Section 1. If an item is not applicable write "NA". If additional space is needed, insert an asterisk "*", and use the remarks section on the back of the form. An explanation follows for each item:

1. Mark appropriate Box.
2. Date application is prepared.
3. Employer identification number of applicant as assigned by Internal Revenue Service.
4. Legal name of applicant/recipient, name of primary organizational unit which will undertake the assistance activity, complete address of applicant, and name and telephone number of person who can provide further information about this request.
5. Brief title and appropriate description of project. For notification of intent, continue in remarks section is necessary to convey proper description.
6. Mostly self-explanatory. "City" includes town, township or other municipality.
7. Governmental unit where significant and meaningful impact could be observed. List only largest unit or units affected, list it rather than subunits.
8. Estimated number of persons directly benefiting from project.
9. Use appropriate code letter. Definitions are:
 - A. New. A submittal for the first time for a new project.
 - B. Renewal. An extension for an additional funding/budget period for a project having no projected completion date, but for which Federal support must be renewed each year.
 - C. Revision. A modification to project nature or scope which may result in funding change (increase or decrease).
- D. Continuation. An extension for an additional funding/budget period for a project the agency initially agreed to fund for a definite number of years.
- E. Augmentation. A requirement for additional funds for a project previously awarded funds in the same funding/budget period. Project nature and scope unchanged.
10. Amount requested or to be contributed during the first funding/ budget period by each contributor. Value of in-kind contributions will be included.
- 11a. Self explanatory.
- 11b. The district(s) where most of actual work will be accomplished. If city-wide or State-wide, covering several districts, write "city-wide" or "State-wide".
12. Self explanatory.
13. Self explanatory.
14. Self explanatory.
- 15b. List clearinghouses to which submitted and show in appropriate blocks the status of their responses. For more than three clearinghouses, include in remarks section. All written comments submitted by or through clearinghouses must be attached.
16. Name and title of authorized representative of legal applicant.

INSTRUCTIONS

SECTION II

Negative answers will not require an explanation unless the Federal agency requests more information at a later date. Provide supplementary data for all "Yes" answers in the space provided in accordance with the following instructions.

Item 1 - Provide the name of the governing body establishing the priority system and the priority rating assigned to this project.

Item 2 - Provide the name of the agency or board which issued the clearance and attach the documentation of status or approval.

Item 3 - Attach the clearinghouse comments for the application in accordance with the instructions contained in Office Management and Budget Circular No. A-95. If comments were received from the clearinghouse they should be submitted with this application.

Item 4 - Furnish the name of the approving agency and the approval date.

Item 5 - Show whether the approved comprehensive plan is State, local or regional, or if none of these explain the scope of plan. Give the location where the approved plan is available for examination and state whether this project is in conformance with the plan.

Item 6 - Show the Federal population residing or working on the federal installation who will benefit from this project.

Item 7 - Show the percentage of the project work that will be conducted on federally owned or leased land. Give the name of the Federal installation and its location.

Item 8 - Briefly describe the possible beneficial and/or harmful impact on the environment. If impact is anticipated, explain what action will be taken to minimize the impact. Federal agencies will provide separate instructions if additional data is needed.

Item 9 - State the number of individuals, families, businesses, or farms this project will displace. Federal agencies will provide separate instructions if additional data is needed.

Item 10 - Show the Federal Domestic Assistance Catalog number, the program name, the type of assistance, the status and amount of each project where there is related previous, pending, or anticipated assistance. Use additional sheets if needed.

INSTRUCTIONS

SECTION IV

Section C. Proposed Method of Financing Non-Federal Share.

Line 1 a-g - Show the source of grantee's share. If cash is not immediately available, specify the actions completed to date and those actions remaining to make cash available under Section E Remarks. Indicate also the period of time that will be required after execution of the grant agreement to obtain the funds. If there is a non-cash contribution, explain what this contribution will be.

Line 1 h - Show the total of Line 1 a-g.

Line 2 a - Show the amount that will be contributed to State or state agency, only if the applicant is not a state agency. If there is a non-cash contribution, explain what the contribution will consist of under Section E Remarks.

Line 2 b - Show the amount that will be contributed from other sources. If there is a non-cash contribution, explain what this contribution will consist of under Section E Remarks.

Line 2 c - Show the total of Lines 2 a and 2 b.

Line 3 - Enter the totals of Line 1 h and Line 2 c.

Section E. Remarks.

Make any remarks pertinent to the project and provide any other information required by these instructions or the grantor agency. Attach additional sheets, if necessary.

SECTION V

PROGRAM NARRATIVE

Prepare the program narrative statement in accordance with the following instructions for all new grant programs. Requests for supplemental assistance should be responsive to Item 5b only. Requests for continuation or refunding or other changes of an approved project should be responsive to Item 5c only.

1. OBJECTIVE AND NEED FOR THIS ASSISTANCE.

Pinpoint any relevant physical, economic, social, financial, institutional, or other problems requiring a solution. Demonstrate the need for assistance and state the principal and subordinate objectives of the project. Supporting documentation or other testimonies from concerned interests other than the applicant may be used. Any relevant data based on planning studies should be included or footnoted.

2. RESULTS OR BENEFITS EXPECTED.

Identify results and benefits to be derived. For example, include a description of who will occupy the facility and show how the facility will be used. For land acquisition or development projects, explain how the project will benefit the public.

3. APPROACH.

- a. Outline a plan of action pertaining to the scope and detail of how the proposed work will be accomplished for each grant program. Cite factors which might accelerate or decelerate the work and your reason for taking this approach as opposed to others. Describe any unusual features of the project such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvement.
- b. Provide for each grant program monthly or quarterly quantitative projections of the accomplishments to be achieved, if possible. When accomplishments cannot be quantified, list the activities in chronological order

to show the schedule of accomplishments and their target dates.

- c. Identify the kinds of data to be collected and maintained, and discuss the criteria to be used to evaluate the results and success of the project. Explain the methodology that will be used to determine if the needs identified and discussed are being met and if the results and benefits identified in Item 2 are being achieved.
- d. List each organization, cooperator consultant, or other key individuals, who will work on the project along with a short description of the nature of their effort or contribution.

4. GEOGRAPHIC LOCATION

Give a precise location of the project and area to be served by the proposed project. Maps or other graphic aids may be attached.

5. IF APPLICABLE, PROVIDE THE FOLLOWING INFORMATION:

- a. Describe the relationship between this project and other work planned, anticipated, or underway under the Federal Assistance listed under Part II, Section A, Item 10.
- b. Explain the reason for all requests for supplemental assistance and justify the need for additional funding.
- c. Discuss accomplishments to date and list in chronological order a schedule of accomplishments, progress or milestones anticipated with the new funding request.

SECTION VI

ASSURANCES

The Applicant hereby assures and certifies that he will comply with the regulations, policies, guidelines, and requirements as they relate to the application, acceptance and use of Federal funds for this Federally assisted project. Also the Applicant assures and certifies with respect to the grant that:

1. It possesses legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with Title VI of the Civil Rights Act of 1964 (P.O.88-352) and in accordance with Title VI of that Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement.
3. It will comply with Title VI of the Civil Rights Act of 1964 (42 USC 2000d) prohibiting employment discrimination where (1) the primary purpose of a grant is to provide employment or (2) discriminatory employment practices will result in unequal treatment of persons who are or should be benefiting from the grant-aided activity.
4. It will comply with the requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.O.91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally assisted programs.
5. It will comply with the provisions of the Hatch Act which limit the political activity of employees.
6. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.
7. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
8. It will give the grantor agency or the Comptroller General through any authorized representative the access to and the right to examine all records, books, papers, or documents related to the grant.
9. It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with Office of Management and Budget Circular No. A-102.

SUGGESTED CRITERIA FOR REVIEW OF TITLE V APPLICATIONS
FOR FY 1977 GRANTS

1. Use Grant for renovation or alteration instead of acquisition, if possible.
 - A. Due to the time frame involved in FY 1977 Grants, it is recommended that acquisitions not begin until FY 1978 Grants become available.
2. Set priority for Renovation or Alteration Grant to comply with standards for accessibility and ability to serve handicapped individuals (Section 504).
3. Geographic location and number of elderly served in the multi-purpose center.
4. Cash or in-kind support from Agency.
5. Agency service to:
 - A. Low Income.
 - B. Minorities.
 - C. Isolated Elderly.

-
6. Written commitments from Agencies to use the facility to deliver services to the elderly.
 7. Title V applicants included in Area Plan of Area Agencies.
 8. Facility for which funds are requested is adaptable for serving as a multi-purpose center.
 9. Application should be technically correct.
 10. Agency capability for service and compliance with Grant conditions:
 - A. Experience in service to the elderly.
 - B. Staff experience and qualifications.
 - C. Hiring of older people.
 - D. Size.
 - E. Monority agency.
 11. Sponsor's history in participating in cooperative planning and its willingness to link up with other aging components.
 12. Sponsor's community relations and evidence of community support.
 13. Utilization of new and existing resources in organizing service delivery.

For an applicant to be eligible for a Title V Grant, the following Acts or Regulations must be complied with:

1. LOCAL REGULATORY CODES AND THE LIFE SAFETY CODE - Re: Sec. 1326.7(a).
 2. DAVIS-BACON ACT - Re: Sec. 1326.7(b).
 3. EQUAL EMPLOYMENT OPPORTUNITY - Re: Sec. 1326.7 (b).
 4. UNIFORM RELOCATION ACT - Re: Sec. 1326.7 (d)(1).
 5. FLOOD PROTECTION ACT - Re: Sec. 1326.7(d)(2).
EXECUTIVE ORDER ON FLOOD PLAINS - Re: Sec. 1326.7(d)(4).
 6. NATIONAL HISTORIC PRESERVATION ACT - Re; Sec. 1326.7(d)(3).
 7. ARCHITECTURAL BARRIERS ACT - Re: Sec. 1326.8(b).
 8. NON-DISCRIMINATION ON BASIS OF HANDICAP - Re: Sec. 1326.17.
- The above Acts or Regulations will be on file with the area agency.

TUESDAY, JULY 5, 1977

PART II



**DEPARTMENT OF
HEALTH,
EDUCATION, AND
WELFARE**

**Office of Human Development
Administration on Aging**

**MULTIPURPOSE
SENIOR CENTERS**

**Acquisition, Alteration, or Renovation
of Facilities; Final Regulations**

Title 45—Public Welfare

CHAPTER XIII—OFFICE OF HUMAN DEVELOPMENT, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—ADMINISTRATION ON AGING, OLDER AMERICANS PROGRAMS

PART 1326—MULTIPURPOSE SENIOR CENTERS

Final Regulations

AGENCY: Administration on Aging, Office of Human Development (OHD), Department of Health, Education, and Welfare.

ACTION: Final regulations.

SUMMARY: The final regulations revise program requirements for grants for acquiring, altering, or renovating existing facilities to serve as multipurpose senior centers under sections 501-505 of Title V of the Older Americans Act of 1965, as amended by Pub. L. 93-29. Interim regulations were published and the Secretary invited public comment on those regulations and stated that they would be revised as warranted by the comments received.

EFFECTIVE DATE: July 5, 1977.

FOR FURTHER INFORMATION CONTACT:

M. Gene Handelman, Director, Office of State and Community Programs, Administration on Aging, Office of Human Development, Department of Health, Education, and Welfare, Washington, D.C. 20201 (202-245-0011).

SUPPLEMENTARY INFORMATION: Interim regulations for the Multipurpose Senior Center Program (Title V of the Older Americans Act of 1965, as amended) were published in 45 CFR Part 911 the FEDERAL REGISTER of September 10, 1976, and are being amended and transferred to 45 CFR Part 1326. The interim regulations were issued to permit initiation of the Title V program under funding appropriated by Congress for this purpose for use during the July 1 through September 30, 1976, Transition Quarter. Under the interim regulations a total of 549 awards were made for the acquisition, alteration, or renovation of facilities to serve as multipurpose senior centers. The provision of the interim regulations will continue to be effective for the duration of the project period for those grants which were made under the Transition Quarter appropriation.

At the time of publication of the interim regulations, interested parties were invited to submit within 60 days, their comments, suggestions, or objections regarding the regulations. A total of 48 comments were received on the interim regulations. Subsequently, a draft revision of these regulations developed with consideration of comments on the interim regulations was circulated to State and area agencies on aging, national project agencies, national organizations, and other interested parties. An additional 26 comments were received in response to this draft revised version of the regulations. The comments received sub-

stantially supported the provisions of the revised version of the regulations. In view of the favorable response it is determined that there is sufficient reason at this time to issue final regulations in order to avoid any delay in implementing the program.

The following statement summarizes the substance of the 74 comments and the Department's response. All operational procedures for making awards under Title V beginning in Fiscal Year 1977 and each Fiscal Year thereafter will be governed by the regulations set forth below. It is also noted that regulations for multipurpose senior centers, formerly published in Part 911 have been removed from Chapter IX of Title 45 of the Code of Federal Regulations and relocated in Chapter XIII which covers all programs administered by the Office of Human Development, within the Department of Health, Education, and Welfare.

SUBPART A—PURPOSE

The purpose of these regulations is to establish procedures for implementing the provisions of sections 501-505 of Title V of the Older Americans Act of 1965, as amended, hereafter referred to as "Title V." The program is administered by the Administration on Aging in the Office of Human Development.

Title V is designed to provide facilities that will serve as a focal point in communities for the development and delivery of social services and nutritional services designed primarily for older persons. The programs to be conducted in such facilities shall be coordinated with State and Area Agencies on Aging, which are charged under the Older Americans Act, with the responsibility of developing comprehensive systems of services for older Americans. The Title V program will be an integral part of overall planning and service delivery scheme of State and Area Agencies on Aging.

SUBPART B—DEFINITIONS

The purpose of the definitions provided in this subpart is to provide a clear understanding of the terms which are used throughout the regulations. Definitions are provided for the particular terms in this subpart because proper understanding of these terms will assure more efficient operations of the program.

The issue of greatest concern expressed in comments had to do with the inconveniences that would occur because of the prohibition on additional square footage to an existing facility, as stated in the interim regulations. Many organizations pointed out that the Department was effecting an unsound economic policy by encouraging the acquisition of facilities when in many cases community groups could run effective programs in their current facilities if they were allowed relatively inexpensive building additions. It was further noted that this policy presented a particular disadvantage in rural communities where it is difficult to find existing facilities for purchase. In response to these concerns, we have included as a part of the definition for "altering or renovating", terminology which allows for expansion of existing

facilities up to double the square footage of the original facility.

Section 1326.2(d) adds a definition of "structural change" which was not defined previously. The reason for this is that Section 1326.9 in Subpart E stipulates that all structural changes undertaken in the course of alteration or renovation shall comply with all applicable local or State ordinances, laws, or building codes or when these are absent, with Federal building codes. The definition of structural change provided here conforms with the definition provided in Federal Building codes.

SUBPART C—GRANTS AUTHORIZED

The purpose of including this subpart in the regulations is to identify the eligible applicants which may be considered for funding under this part; and to provide such eligible applicants with necessary information as to the procedures for making and receiving awards.

The basis for including the provisions of this subpart is the belief that clarification as to eligible applicants and procedures for making and receiving awards will facilitate the proper administration of the program.

The issue which received the second, greatest number of comments was the manner in which the Commissioner on Aging would make grant awards. During the Transition Quarter, awards were made directly by the Commissioner to community agencies and organizations, with consideration of the recommendations made by State and area agencies on aging. This method was found to create administrative difficulties. Further, this procedure did not assure the desired level of coordination of Title V projects with the comprehensive and coordinated system of services for older persons being established under Titles III and VII of the Act as Congress has intended. After careful review of the issues involved, the Department concluded that while authority does not exist under the current law to administer Title V as a formula grant program, it is within the authority of the Commissioner, under section 202(a)(9) of the Act, to permit State Agencies to be grantees for purposes of this part. Such procedures assure a closer linkage with existing programs currently administered by State agencies on aging under Titles III and VII of the Act. Comments which were received strongly endorsed the concept of permitting State agencies to be grantees for funds under this part. Accordingly, § 1326.3(b) permits State Agencies on Aging to be Title V grantees.

Procedures for implementing this policy indicated in § 1326.4(b) provide that the State agency will be given first priority to apply for funds reserved for the entire State. Section 1326.4 (c) and (d) describe procedures for awards made by the Commissioner directly to the local applicant in those States where the State Agency on Aging does not declare such intent to apply. When this occurs, procedures for making awards directly to the local agency or organization are essentially the same as those indicated in the interim regulations. The Commis-

sloner will make awards to eligible agencies and organizations in accord with recommended priorities established by State and Area Agencies.

SUBPART D—ASSURANCES REQUIRED FOR GRANTS

This subpart is included in the regulations for the purpose of providing guidance to State Agencies on Aging and to all other applicants on the specific responsibilities which they must assume if they choose to apply for funds under this part. The basis for providing separate sets of criteria for State Agencies on Aging and for all other applicants is the fact that State Agencies on Aging are given priority consideration for application and award of funds under this part; and have responsibilities which are more extensive than the responsibilities of other applicant agencies or organizations.

Section 1326.5 specifies assurances applicable to State Agencies as applicants. A total of 10 organizations, mostly State Agencies, objected to the provision in the interim regulations that an equitable portion of Title V funds reserved for each State be used in each planning and service area of the State. Final regulations in Section 1326.5(a) maintain the principle that the State Agency must assure that each planning and service area in the State will receive an equitable portion of the funds awarded to carry out the purposes of this part; but add the provision that, where justification exists, the State Agency may request from the Commissioner an exception to this requirement for a given planning and service area.

Comments were received from 9 State Agencies concerning the requirement in § 1326.5(b) that all contracts made by the State Agency within the State for acquisition, alteration, or renovation be approved prior to their issuance by the Area Agencies within the planning and services area where the contract is to be made. Many of these commentors pointed out that the role of the Area Agency is to advise the State, not to approve its action. The Department has reached the conclusion that Area Agencies should retain approval rights, as specified in this section. The exercise of such a function is consistent with the responsibilities assigned Area Agencies in Title III section 304(c) (1) of the Older Americans Act to provide for the establishment of a comprehensive and coordinated service system within its planning and service area.

Section 1326.5(c) requires that in planning and service areas that contain rural areas, plans will be made to meet the special needs of the scattered older persons, especially low income and minority older persons. Some objections were received to the interim regulations because they did not place an emphasis on awards to rural areas. The revised revision of the regulations which was circulated to the aging network for comment established a particular priority for rural areas. However, 6 objections were received from urban community organizations and area agencies to the

establishment of a rule which would single out rural communities for special priority. Section 1326.5(c) of these final regulations accordingly notes the importance of responding to the needs of rural areas; but does not establish any priority for awards to rural areas over urban areas.

Section 1326.5(b) requires that multi-purpose senior center facilities funded under Title V be made part of the Comprehensive Program on Aging operated by the Area Agency, in those planning and service areas where Area Agencies exist. The new policy on this point is also carried over in 1326.6(b) which also requires that Title V projects be included in the Comprehensive Area Program on Aging in those States where grant awards are made directly to local organizations by the Commissioner.

SUBPART E—ASSURANCES APPLICABLE TO FACILITIES FINANCED UNDER THIS PART

The purpose of including this subpart is to assure that all applicant agencies or organizations are aware of the responsibilities which they assume relative to any facility acquired, altered, or renovated with funds awarded under this part. The basis of including these provisions is that the Act imposes such responsibilities.

Some comments were received, relative to the lack of clarity in specific assurances for facilities acquired, altered, and renovated in the interim regulations. These regulations restructure the requirements in three broad sections to effect greater clarity as to which assurances apply to all facilities (§ 1326.7), to facilities to be acquired (§ 1326.8), and to facilities to be altered or renovated (§ 1326.9). While most of the assurances stated in the interim regulations have been retained, there are several revisions. Section 1326.7 sets forth the requirement to comply with other applicable Federal laws and Executive Orders. Additionally, § 1326.9 requires that all structural changes, as defined in § 1326.2(d) shall comply with local or State ordinances, or in the absence of such ordinances, with Federal standards. The interim regulations required consultation with the Department of Housing and Urban Development with regard to the technical adequacy of any proposed alteration or renovation. The experience obtained during the Transition Quarter indicated that this policy led to unreasonable delays in final approval of facility plans and specifications. With the increase in the Fiscal Year 1977 appropriation to four times the amount available in the interim quarter, it was anticipated that these problems would increase. After consultation with the Office of the Secretary of Housing and Urban Development, as required in section 502(b) (2) of the Act, the Department has agreed to approve any proposed alteration or renovation which complies with State or local ordinances, or in their absence, with Federal standards.

SUBPART F—GENERAL REQUIREMENTS

The purpose of including this subpart is to provide a general summary of other

requirements governing the operation of the program which are not treated elsewhere in the regulations. The basis for inclusion of these requirements is to assure that potential applicants will understand the basic Federal requirements necessary for participation in the Title V program.

Two comments were received that urged reconsideration of the policy stated in the interim regulations that disallowed Federal participation in any cost associated with the operation of the multi-purpose senior center including, rent, maintenance, personnel, and supplies. In particular, both commentors objected to the prohibition on rental costs. This issue was reviewed and we believe that there is no justification in the Act for allowing rental costs under section 501-505 of Title V. The program specifically provides only for paying part of the costs of acquisition, alteration or renovation of existing facilities, including the cost of initial equipment of such facilities. Accordingly, final regulations in Section 1326.10(d) reiterate the unallowability of rental costs.

Consistent with the new policy effected in these regulations of giving State Agencies on Aging a priority to apply for funds under this part for the entire State, a new provision has been added in Section 1326.12 which permits applicants to request a portion of the funds awarded for the purpose of administering the grant. These funds are provided for administrative costs, incurred in regard to Title V operations only, and not to other activities unrelated to this program. We received three comments which posed the question as to whether or not Area Agencies may receive these funds, since they may be engaged in Title V project administrative or monitoring activities even though such projects are funded directly by the State Agency. Our response is that any agency receiving a grant under Title V may retain an amount, approved by the Commissioner, for administering such grant. Additionally, this subpart brings to the attention of applicants the requirement to comply with the provisions of OMB Circular A-95 concerning State and Area-wide clearinghouses. On May 4, 1977, HEW regulations, Title 45, Part 84, governing nondiscrimination on basis of handicap were published in the FEDERAL REGISTER. These regulations implement the provision of section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112. Section 1326.17 of these final Title V regulations require assurance by applicants of their intent to comply with the provisions of section 504 and the implementing regulations and guidelines.

SUBPART G—CONTRACT AUTHORITY

The purpose of including this subpart is to identify the fact that the Commissioner is authorized to make contracts to carry out the purposes of this part, separate and apart from his authority to make grants as described in the other subparts of these regulations. The Act provides such authority to the Commissioner; and therefore the regulations must address this point.

ILLINOIS REGISTER

RULES AND REGULATIONS

Accordingly, the interim regulations for Multipurpose Senior Centers presently in 45 CFR Part 911 are revised and final regulations for Multipurpose Senior Centers are added in 45 CFR Part 1326 in the manner set forth below.

NOTE.—The Administration on Aging has determined that this document does not require preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Catalog of Federal Domestic Assistance Program Number: 13.639 Special Programs for the Aging—Title V Multipurpose Senior Centers.)

Dated: June 3, 1977.

ARTHUR S. FLEMING,
Commissioner on Aging.

Dated: June 3, 1977.

ARABELLA MARTINEZ,
Assistant Secretary for
Human Development.

Approved: June 27, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary.

Subpart A—Purpose

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1326.1 Purpose.

Subpart B—Definitions

1326.2 Definitions.

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1326.18 Monitoring activities.

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1326.20 Notification of action taken on proposals.

1326.21 Project period.

1326.22 Payments.

Subpart G—Contract Authority

1326.23 Authority.

AUTHORITY: Pub. L. 80-73, 70 Stat. 218-220 (42 U.S.C. 3001 et seq.), as amended by sec. 501, Pub. L. 93-29, 87 Stat. 49-51; sec. 112, Pub. L. 94-135, 89 Stat. 720 (42 U.S.C. 3041-3041e).

Subpart A—Purpose

§ 1326.1 Purpose.

The purpose of these regulations is to establish procedures for implementing sections 501-505 of Title V of the Older Americans Act of 1965, as amended, which provide for the making of grants and contracts to pay part of the costs of acquiring, altering or renovating existing facilities, including the initial equipment of such facilities, to serve as multipurpose senior centers.

Subpart B—Definitions

§ 1326.2 Definitions.

In addition to the definitions set forth in §§ 1320.2 and 1321.2 of this chapter, the following definitions are applicable for the purpose of this part.

(a) "Acquiring" means obtaining ownership of an existing facility.

(b) "Altering or renovating" means modifications upon or in connection with an existing facility which are necessary for its effective utilization as a multipurpose senior center, including restoring, repairing, and expanding which is not in excess of double the square footage of the original facility, and all such related physical improvements.

(c) "Multipurpose senior center" means a community facility for the organization and provision of a broad spectrum of services (including provision of health, social, and educational services and provision of facilities for recreation activities) for older persons.

(d) "Structural change" means any changes to the load bearing members of a building.

Subpart C—Grants Authorized

§ 1326.3 Eligible applicants.

(a) Eligible applicants include units of general purpose local government or other public or nonprofit private agencies or organizations, including State or Area Agencies on Aging.

(b) In order to assure that multipurpose senior center facilities supported under this part are integrated with the comprehensive and coordinated service system established under Title III and Title VII of the Act, State Agencies on Aging will be given priority in the application and award of funds.

§ 1326.4 Procedures for making awards.

(a) From the amount appropriated for multipurpose senior centers under section 501 of the Act each fiscal year, the Commissioner shall reserve an amount for making awards under this part for each State. The amount reserved for each State shall be determined in keeping with the principles which guide the allocation of funds made each year under section 303 of the Act, except that total funds awarded to any State in any fiscal year shall not exceed ten percent of the funds appropriated by the Congress for the nation for that fiscal year.

(b) As set forth in § 1326.3(b) of this part, State Agencies will be given first priority to apply for the funds reserved

for the State. Upon the request of the Commissioner each fiscal year, each State shall indicate in writing its intent to apply for the entire amount of funds reserved for the State.

(c) In those cases where the State Agency notifies the Commissioner that it will not apply for the funds reserved for that State:

(1) The State Agency will be asked to designate an amount, within the total amount reserved for the State, for each planning and service area in the State;

(2) Eligible agencies and organizations in the State will be notified of the funds designated under this part for each planning and service area by the State and Area Agencies on Aging; and

(3) Applications from eligible agencies or organizations within the State shall be forwarded to the Commissioner on Aging through Area and State Agencies on Aging, and will be ranked by such agencies by planning and service area, in order of their recommended priority for funding before being forwarded to the Commissioner. The Commissioner will make awards to such eligible agencies and organizations in accord with these recommended priorities, provided all Title V requirements contained in this part are met.

(d) If eligible agencies or organizations fail to request funds within a time limit set by the Commissioner each fiscal year up to the level of the funds reserved for a planning and service area or a State, the Commissioner may make grants of such funds to eligible agencies or organizations in other planning and service areas of the State or other States, as appropriate.

(e) All requests for funds under this part shall be on forms prescribed for this purpose by the Commissioner.

Subpart D—Assurances Required for Grants Under This Part

§ 1326.5 Assurances required when State agencies are applicants.

Where the State Agency makes application for funds under this part for the entire State, the State Agency must assure that:

(a) Each planning and service area in the State will receive an equitable portion of the funds awarded to carry out the purposes of this part, except that, where justification exists, the State Agency may request in writing from the Commissioner an exception to this requirement for a given planning and service area;

(b) Where Area Agencies on Aging exist, they will be involved, together with their Advisory Council, in determining the most feasible facilities to serve as multipurpose senior centers and the most qualified local agencies to operate the programs in such centers in their jurisdictions; and that their approval will be obtained before any contract is awarded in their jurisdiction as a result of a grant under this part;

(c) In planning and service areas that contain rural areas, plans will be made

to meet the special needs of the scattered populations of older persons, especially the low income and minority older persons;

(d) In assisting facilities under this part in urban areas, priority consideration will be given in locating such facilities in those parts of such areas having high concentrations of low-income and minority older persons;

(e) A multipurpose senior center program will be developed and operated in any facilities assisted under this part;

(f) The multipurpose senior center programs operated in any facility assisted under this part will be made part of the Comprehensive Program of the Area Agency on Aging where such programs exist; and

(g) Any agency or organization which will operate a multipurpose senior center program in a facility assisted under this part will be required to develop a plan designed to obtain written commitments from other public and private nonprofit agencies to use the facility to deliver services to older persons or contribute resources to expand the program of the center.

§ 1326.6 Assurances required for all other applicants.

(a) In those cases where the State Agency elects not to apply for the funds reserved for the State, other eligible agencies or organizations in the State may submit applications to the Commissioner which provide adequate assurances that:

(1) The facility for which funds are requested is adaptable for serving as a multipurpose senior center;

(2) A multipurpose senior center program will be operated in the facility;

(3) The agency or organization which will operate the multipurpose senior center program in the facility for which funds are requested is qualified to operate such a program;

(4) The facility for which funds are requested is located so as to be accessible to a high proportion of minority and low-income older persons; and

(5) The agency or organization which will operate the multipurpose senior center assisted under this part will develop a plan designed to obtain written commitments from other public and private nonprofit agencies to use the facility to deliver services to older persons or to contribute resources to expand the program of the center.

(b) For such applications, the Area Agency on Aging, if applicable, will also be required to assure that the points in paragraph (a) (1-5) of this section will be met. In addition, the Area Agency will be asked to assure that the multipurpose senior center program proposed for the facility will be made part of the Comprehensive Program of the Area Agency on Aging.

Subpart E—Assurances Applicable to Facilities Financed Under This Part

§ 1326.7 Assurances applicable to all facilities.

(a) The applicant shall assure that any facility for which funds are awarded

under this part shall comply, before the multipurpose senior center program is operated in such facility, with all applicable State and local health, fire, safety, zoning, and sanitation codes. With special regard to life/safety conditions, work will comply with the provisions of the National Fire Protection Association 101 Life Safety Code for the applicable building occupancy classification or State and local codes, whichever is the more stringent.

(b) The applicant, in order to comply with the requirements of the Davis-Bacon Act and other mandatory Federal labor standards, shall assure that HEW Requirements for Federally Assisted Construction Regarding Labor Standards and Equal Employment Opportunity, Form HEW-514 (July 1976) are included in all construction contracts for alteration and renovation of facilities. For the purpose of this part, the term "construction" is limited to altering or renovating existing facilities.

(c) The applicant shall assure that if a facility to be acquired, altered or renovated will be shared with other age groups, that funds under this part will be used only for that portion of the facility that will be used by older persons. Where the same floor space is to be shared with different age groups, funds under this part may be used proportionately for acquiring, altering, or renovating the facility only to the extent that such floor space will be used by older persons.

(d) The applicant shall assure that the applicable requirements contained in the following statutes and executive order are satisfied:

(1) Uniform Relocation Act, Pub. L. 91-646;

(2) Flood Protection Act, Pub. L. 93-234;

(3) National Historic Preservation Act, Pub. L. 89-665; and

(4) Executive Order on Flood Plains, E.O. 11988.

§ 1326.8 Special assurances applicable to facilities to be acquired.

(a) The applicant shall assure that there are no existing facilities in the community suitable for leasing as a multipurpose senior center.

(b) The applicant shall assure that any facility to be acquired under this part will conform with the Architectural Barriers Act of 1968 (41 CFR 101-17 703).

(c) The applicant shall assure that the facility will be used for the purposes for which it is acquired for not less than ten years after the date acquired.

(d) The applicant shall assure that the facility will not be used, and is not intended to be used for sectarian instruction or as a place for religious worship.

(e) The applicant shall assure that sufficient funds will be available to meet the non-Federal share of the cost of purchase of the facility.

(f) The applicant shall assure that sufficient funds will be available when purchase is completed, for effective use of the facility for the purpose for which it is being purchased.

§ 1326.9 Special assurances applicable to structural changes in the altering or renovating of facilities.

Where structural changes will be undertaken in the course of altering or renovating a facility, the applicant shall assure compliance concerning all applicable local or State ordinances, laws, or building codes. In the absence of such codes, such structural changes must conform to Chapter 23 Of the Uniform Building Code, or Article 7 of the Basic Building Code, or Chapter 12 of the Standard Building Code.

Subpart F—General Requirements

§ 1326.10 Federal and non-Federal participation.

The Commissioner is authorized to pay up to 75 percent of the costs of acquiring, altering or renovating facilities to serve as multipurpose senior centers. The non-Federal share of proposed costs under this part shall be identified by the applicant in the application.

§ 1326.11 Unallowable expenditures.

Federal financial participation, and the appropriate non-Federal share, may not be used for any of the following:

(a) New construction or the completion of a partially completed facility;

(b) The purchase of land not related to the acquiring of an existing facility;

(c) Expanding of a facility in excess of double the square footage of the original facility; and

(d) Any cost associated with the operation of the multipurpose senior center, including rent, maintenance, personnel and supplies.

§ 1326.12 Administrative costs.

Applicants are authorized to be reimbursed for administrative costs associated with administering grants under this part. Such costs must be set forth in the proposal.

§ 1326.13 Grantee administrative requirements.

All of the provisions of 45 CFR Part 74 apply to grants awarded under this part.

§ 1326.14 A-95 Clearinghouse requirements.

All applications submitted under this part are subject to requirements of Part I, OMB Circular A-95.

§ 1326.15 Reports and records.

(a) Agencies or organizations receiving funds under this part shall make such reports in such form and containing such information as the Commissioner may determine.

(b) Agencies or organizations receiving awards shall maintain such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

§ 1326.16 Civil rights.

The applicant shall assure that all activities undertaken under this part shall conform to the Civil Rights Act of 1964 and all applicable policies and pro-

cedures established relating to such Act. In addition, the applicant shall develop and implement an affirmative action plan in the area of employment, and the development and implementation of a plan designed to provide maximum opportunity for participation in the service programs operating out of the center by low-income and minority persons.

§ 1326.17 Nondiscrimination on basis of handicap.

The applicant shall assure that the requirements set forth in sec. 504 of the Rehabilitation Act of 1973 and HEW regulations (45 CFR, Part 84) and guidelines are met.

§ 1326.18 Monitoring activities.

Agencies or organizations which receive awards shall establish monitoring procedures which will assure that any activity for which a grant is made under this part will be carried out in keeping with the provisions of the application as approved by the Commissioner.

§ 1326.19 Recapture of payments applicable to acquired facilities.

If, within ten years after acquiring a facility under this part, either the owner of the facility ceases to be a public or nonprofit private agency or organization, or the facility ceases to be used for the purposes for which it was acquired, the Department shall be entitled to recover from the agency or other owner of the facility an amount, which bears to the then value of the facility, or so much thereof as constituted an approved project award or awards, the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the

United State District Court for the district in which such facility is situated. Release by the Department from recapturing the payment may occur if the facility as originally acquired is no longer adequate as a setting to provide the type and level of services now required by older persons in the community, and therefore the facility, as originally acquired, will be sold at a price, determined as reasonable by the Department, and that such funds resulting from the sale of the original facility will be used to purchase another facility in the community which meets the standards of this part.

§ 1326.20 Notification of action taken on proposals.

Applicants will be notified in writing by issuance of a "Notice of Grant Awarded" of the final action taken by the Commissioner on each application. For those applications approved by the Commissioner, this notification shall set forth the amount of funds awarded, and shall constitute for such amounts the incumbrance of Federal funds for such proposal on the date of the award.

§ 1326.21 Project period.

Except for those instances where an exception is approved by the Commissioner based on an inability to complete a project within the project period due to circumstances beyond the control of a grantee:

(a) The period of a grant award approved in any fiscal year will not exceed 12 months following the effective date of the "Notice of Grant Awarded" relating to such grant; and

(b) All activities relating to the acquiring, altering or renovating of a facility under this part shall be completed,

and the multipurpose program operational in such facility within 12 months following the effective date of the grant relating to that activity.

§ 1326.22 Payments.

Upon approval of any application for a grant or contract under this part, the Commissioner shall reserve, from any appropriation available therefore, the amount of such grant or contract. The amount so reserved may be paid in advance or by way of reimbursement, and in such installments consistent with progress in altering or renovating a facility, as the Commissioner may determine. The Commissioner's reservation of any amount under this section may be amended by him, either upon approval of an amendment of the application or upon revision of the estimated cost of altering or renovating the facility.

Subpart G—Contract Authority

§ 1326.23 Authority.

(a) The Commissioner is authorized to make contracts to carry out the purposes of this part with any agency or organization to pay not to exceed 75 per centum of the costs of such program, subject to the ten per centum maximum payments in any State in any fiscal year.

(b) Any contract under this part shall be entered into in accordance with and shall conform to all of the relevant regulations relating to this title as well as to all other applicable laws, regulations and Department policy.

(c) Payments may be made in advance or by way of reimbursement, and in such installments and on such conditions as the Commissioner may determine.

[FR Doc. 77-18844 Filed 7-1-77; 8:45 am]

OPERATING PRINCIPLES OF SENIOR CENTERS

1. The Senior Center shall establish and have a written statement of purposes and goals consistent with the basic philosophy of Senior Centers. These shall be used to govern the direction and character of its program relative to an aging population and its defined service area.
2. The Senior Center shall be organized to achieve its purposes and goals, consistent with the Center's philosophy.
3. The Senior Center shall have linkages with and participate in planning organizations and programs as an integral part of the network of community services, relating to aging in general and, specifically, in its service area. It shall perform a public information and community education function.
4. A Senior Center shall initiate, facilitate and/or provide a program of quality services and activities consistent with its stated goals and objectives. This shall be done with, by, and on behalf of older persons, as individuals or in groups, in order to meet the needs and desires of aging persons in the Center's service area.
5. A Senior Center shall be staffed and administered by competent, ethical, and qualified personnel capable of providing essential services. It shall establish and maintain policies and procedures which effectively contribute to the implementation of its goals.
6. Through the use of sound fiscal practices and compliance with legal requirements, the Senior Center shall manage its fiscal affairs so as to pursue the fulfillment of its purposes, goals, and objectives.
7. The Senior Center shall keep accurate, current, and complete records required for Center operation and accountability. It shall prepare and circulate reports to demonstrate and interpret the degree to which it has satisfied its purposes, goals, and objectives.
8. The Senior Center facility and its program(s) shall be designed, located, and/or constructed and equipped so as to promote the effective access and conduct of its services and activities and to protect the health, safety, and comfort of its participants, staff, and the public.
9. A Senior Center shall have or be part of an evaluation system which will identify the results and impact of its programs on individuals, groups, and the community in order to assure improved performance, appropriate planning, enhanced community support, more positive images of both aging persons and Senior Centers.

NOTICE BY THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF ILLINOIS
OF THE PROPOSED ADOPTION OF NEW AND REVISIONS TO
THE RULES AND REGULATIONS RELATING TO
LIVESTOCK AUCTION MARKETS AND MARKETING CENTERS

NOTICE

PLEASE TAKE NOTICE THAT pursuant to Sections 8a and 11 of the Illinois Livestock Auction Market Law (Illinois Revised Statutes, Chapter 121½, Paragraphs 215a and 218), and Section 5 of the Illinois Administrative Procedures Act (Illinois Revised Statutes, Chapter 127, Paragraph 1005), the Director of the Department of Agriculture of the State of Illinois has proposed adoption of new and revisions to the rules and regulations relating to livestock auction markets and marketing centers.

DESCRIPTION OF ALL SUBJECT
MATTER AND ISSUES INVOLVED

The proposed adoption of new and revisions to the rules and regulations relating to the Illinois Livestock Auction Market Law, the full text of which is set forth hereafter, cover the following subject matter and issues:

Livestock Auction Markets --

1. Adopts changes in names and numbers of official documents in Regulations V, VI, and XI to conform to new documents being used.
2. Incorporates into Regulations X, XVII, XIX, and XXIII the various procedures now mandated by administrative directive.
3. Repeals an obsolete portion of Regulation XIX.
4. Provides that the name and address of persons consigning cattle is to be announced to all buyers prior to bidding. Provides that persons purchasing any lot of cattle shall be furnished a document listing name and address of the persons who consigned the cattle for sale.
5. Effective January 1, 1979, all cattle are to be marked on the back with a red paint mark at time of unloading.

Marketing Centers --

1. Updates Regulation II of regulations relating to marketing centers.

COMPLETE TEXT OF THE
RULES AND REGULATIONS INVOLVED

(Livestock Auction Markets)

REGULATION V

Sick, Diseased, or Crippled Animals

No animal exhibiting evidence of a contagious or infectious disease may be consigned to a licensed livestock auction market.

Diseased animals, not detected prior to unloading, shall be placed in the quarantine pen. Such animals may be sold through the auction ring at the completion of the regular sale for slaughter only. Each animal shall be identified with an Illinois slaughter tag, and the information recorded on Form C-24a, revised, which shall accompany each animal to slaughter. All animals from the quarantine pen shall be delivered to a Federal or State inspected slaughtering establishment or to a public stockyard or to a licensed dead animal disposal unit or may be quarantined back to the original owner.

REGULATION VI

Bovine Brucellosis

Cattle which, upon being tested for brucellosis at a livestock auction market, are classified as reactors to the official test shall be placed in the quarantine pen and sold for immediate slaughter.

The animals when sold shall be delivered to a public stockyard or approved slaughtering center and be positively identified and branded as provided by the Illinois Bovine Brucellosis Eradication ~~Law~~ Act, and the purchaser shall sign a VS Form 1-27, "Permit For Movement of Animals ~~an official Slaughter Certification, Form C-24a, (Federal regulations require that brucellosis reactors moved interstate be accompanied by VS Form 1-27).~~" Illinois brucellosis reactors disclosed at other than at a livestock auction market may be consigned if accompanied by official VS Form 1-27, "Permit For Movement of Animals," when consigned to the market. ~~An official "Slaughter Certification," Form C-24a, shall be prepared at the market and securely attached to the 1-27. Both forms shall accompany the animal to slaughter.~~ A new VS Form 1-27 shall be prepared by the official livestock auction market veterinarian and shall accompany the animal to slaughter.

When one or more brucellosis reactors are disclosed in a group of cattle, the negative animals which have been in contact with the reactors for more than 24 hours shall be either returned to the farm of origin under quarantine ~~or~~ OR shipped directly to a recognized slaughtering center or a public stockyards, accompanied by ~~C-24a (VS Form 1-27 if interstate)~~ to be sold for slaughter only. Such ~~such~~ cattle are to be identified by an approved ~~ear tag~~ ear tag and by branding with a hot iron the letter "S" on the left jaw in letters not less than 2 nor more than 3 inches in height, before the animals leave the market.

REGULATION IX

Test Chute

The auction market shall provide an approved chute to restrain all

~~animals that are to be tested, and shall provide approved pens for swine that are to be vaccinated or treated.~~

REGULATION X

Brucellosis Test

Except as otherwise provided in these regulations, no female cattle or bulls more than 6 months of age shall be sold unless such cattle have been tested for brucellosis and were found negative within 60 days prior to sale. Such test shall be recognized for one change of ownership or premises only within the 60-day period, except that such cattle may change ownership or premises one or more times in the 14-day period immediately following the negative test.

The official livestock auction market veterinarian shall submit a copy of his Brucellosis Test Record, Market Cattle Testing Program, VS Form 4-54 and all blood samples to the State-Federal Serology Laboratory, Springfield, Illinois, following each sale.

REGULATION XI

Sale of Officially Vaccinated Breeding Animals
Under 24 Months of Age

Such animals shall be accompanied by:

1. Official vaccination certificate, ~~or~~ OR
2. Form VS 4-26 ~~ANH-Form-4-24~~ properly completed for reestablishing vaccination status.

NOTE: If such animal has lost its ear tag, but has official calfhood vaccination tattoo in the right ear, it shall be retagged in the right ear and the retag number recorded on the official vaccination certificate ~~or ANH-Form-4-24~~ OR Form VS 4-26.

REGULATION XIII

Backtagging

All cattle over 2 years of age purchased from established herds in Illinois, and consigned to slaughter, shall comply with the Market Cattle Identification Program as follows:

1. Each animal shall be backtagged with official Illinois market cattle backtags.
2. Report of such backtagging on approved forms shall be submitted ~~to the Division~~ within 7 days of backtag application.

REGULATION XVIII

Swine Which React to Test for Brucellosis

Any swine which, upon being tested for brucellosis at a livestock auction market, react to an official brucellosis test shall be placed in the quarantine pen and sold for slaughter only. The reactor shall be identified with a reactor identification tag. The animal, when sold, shall be accompanied by Form H-63 AND shall be delivered to State or Federal inspected slaughter establishment ~~and shall be identified as provided in the Illinois Swine Brucellosis Law.~~ Such swine may not be sold for feeding or breeding purposes.

REGULATION XIX

Sheep

- ~~1. -- Sheep may be released from a livestock auction market without dipping, provided no sheep are consigned to the market from a state or area that is not scabies free.~~
- ~~2. -- If sheep are consigned to a livestock auction market from a state or area that is not scabies free, all sheep consigned to such market shall be dipped except those for immediate slaughter; this shall include Illinois sheep.~~
3. 1. Livestock auction market managers are required to keep a record of each consignment, and also to keep on file the accompanying health certificate or federal inspection certificate for each consignment for at least one year from date of sale.
4. 2. Livestock auction market veterinarians are required to check each consignment of sheep at time of presentation at the sale to determine that to the best of their knowledge and belief the sheep are free from ~~scabies and other~~ infectious and communicable diseases and that out-of-state and stockyard sheep are accompanied by proper health certificates or certificates of federal inspection.
5. 3. When diseased sheep, except those exhibiting evidence of contagious foot rot, are found at a livestock auction market, the veterinarian shall immediately place the diseased sheep under quarantine and order the owner to return such sheep to his premises under quarantine. The veterinarian shall notify the Division of such quarantine. The quarantine will remain in effect until the Division receives notice of the death of the sheep, ~~or~~ OR receives a report from a licensed veterinarian that the animal or animals have recovered and are in a healthy condition.

4. When sheep exhibit evidence of contagious foot rot, such sheep should be tagged with the "slaughter only" red ear tag and be accompanied directly to slaughter by Form C-24a, revised.

REGULATION XXIII

Disposition of Rejected Feeding or Breeding Swine

Animals rejected for feeding or breeding purposes by the official livestock auction market veterinarian must be sold for slaughter, except when requested by the owner and approved by the official livestock auction market veterinarian, such rejected animals must be identified by an official ear tag and then may be returned to the owner's premises under quarantine. The quarantine must be issued by the official veterinarian on forms prescribed by the Department, with the official ear tag numbers recorded and a copy forwarded to the Department.

All rejected animals to be sold for slaughter must be so identified with a red tag in the left ear AND be accompanied by a Form C-24a, revised.

REGULATION XXV

Announcement of Consignor of Cattle

When cattle are brought into the sale ring, and prior to sale, the name and address (city and state) of the person who consigned the cattle is to be announced to all buyers assembled in the area who might reasonably be expected to bid on the cattle. The person announced as the consignor shall be the same as the one who received payment for the cattle following sale.

The person or persons who purchase each lot of cattle shall be furnished a document, prior to their leaving the market, which will list in legible form the name and address (city and state) of the person who consigned the cattle for sale at the market on that date.

REGULATION XXVI

Identification of Cattle Consigned to a Market

Effective January 1, 1979, all cattle shall, at time of unloading, be marked on their back with a red paint mark at least one inch in width. Liquid oil-base paint, which readily adheres to the hair, shall be used in applying the mark.

Each time cattle are consigned to a market, an additional red paint mark will be applied.

(Marketing Centers)

REGULATION II

All out-of-state livestock, except swine, consigned to a marketing center shall be accompanied from point of origin by a permit issued by the Division or by a consignment issued by the owner or shipper of the livestock designating the name of the owner or shipper, place of origin, marketing center of destination, date of shipment, number and description of livestock, and that the livestock in said consignment are free from visible evidence of any known contagious or infectious disease.

~~The consignment shall be made in duplicate. One copy shall be forwarded to the Division office within 10 days, and one~~ One copy of the consignment shall be held by the marketing center for a period of not less than 6 months for inspection by legally authorized officials of the United States Department of Agriculture, or the Illinois Department of Agriculture, or other officials having police powers.

TIME, PLACE AND MANNER IN WHICH
ALL INTERESTED PERSONS MAY PRESENT
THEIR VIEWS CONCERNING THE PROPOSED ACTION

On April 20, 1978, in Building 30 (Jr. Livestock Building), State Fairgrounds, Springfield, Illinois, a hearing is scheduled to start at 10 a.m. The Director, or a duly authorized representative, of the Department of Agriculture will conduct a public hearing with respect to the proposed adoption of new and revisions to the rules and regulations relating to livestock auction markets and marketing centers.

Pursuant to Section 6.01 of the Civil Administrative Code (Illinois Revised Statutes, Chapter 127, Paragraph 6.01) and Sections 8a and 11 of the Illinois Livestock Auction Market Law (Illinois Revised Statutes, Chapter 121½, Paragraphs 215a and 218), the proposed adoption of new and revisions to the rules and regulations relating to the Illinois Livestock Auction Market Law will be presented to the Advisory Board of Livestock Commissioners for their consideration and recommendation. The public meeting of the Advisory Board of Livestock Commissioners will run concurrent with the public hearing.

At that time and place, interested persons may appear and orally present their views, comments, data and arguments concerning the proposed adoption of new and revisions to the rules and regulations relating to the Illinois Livestock Auction Market Law. Any interested person requesting time to make an oral presentation must register at the registration desk prior to the start of the hearing.

Any interested person who is unable to attend the public hearing may submit in writing his or her views, comments, data or arguments concerning the proposed action on the rules and regulations relating to the Illinois Livestock Auction Market Law. Written submissions shall be signed by the person making the submission and shall be filed with the Director, Department of Agriculture, Building 30 (Jr. Livestock Building), State Fairgrounds, Springfield, Illinois 62706. No written submission will be considered by the Director unless it is postmarked on or before April 15, 1978, or, if delivered in person, received on or before 10 a.m. on April 20, 1978.

The Director will fully consider all oral and written submissions meeting the requirements of this Notice and of the Department of Agriculture's Rules and Regulations relating to the Administrative Procedures Act.

NOTICE BY THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF ILLINOIS
OF THE PROPOSED ADOPTION OF NEW AND REVISIONS TO
THE RULES AND REGULATIONS RELATING TO THE
ILLINOIS SWINE DISEASE CONTROL AND ERADICATION ACT

NOTICE

PLEASE TAKE NOTICE THAT pursuant to Section 15 of the Illinois Swine Disease Control and Eradication Act (Illinois Revised Statutes, Chapter 8, Paragraph 515), and Section 5 of the Illinois Administrative Procedures Act (Illinois Revised Statutes, Chapter 127, Paragraph 1005), the Director of the Department of Agriculture of the State of Illinois has proposed adoption of new and revisions to the rules and regulations relating to the Illinois Swine Disease Control and Eradication Act.

DESCRIPTION OF ALL SUBJECT
MATTER AND ISSUES INVOLVED

The proposed adoption of new and revisions to the rules and regulations relating to the Illinois Swine Disease Control and Eradication Act, the full text of which is set forth hereafter, cover the following subject matter and issues:

1. Requires a negative official test for pseudorabies on breeding swine conducted within 30 days prior to entering Illinois OR that swine originate from a qualified pseudorabies herd.
2. Moves existing regulation relative to pseudorabies from the regulations pursuant to the Diseased Animals Act to the regulations pursuant to the Illinois Swine Disease Control and Eradication Act (Regulation IV which follows).
3. Provides for the recognition of any of the newly developed serologic tests for pseudorabies as an official test after they have been adopted by the American Association of Veterinary Laboratory Diagnosticians.

COMPLETE TEXT OF THE
RULES AND REGULATIONS INVOLVED

REGULATION III

Swine Entering Illinois For
Breeding Purposes

Swine for breeding purposes may enter Illinois provided they are accompanied by an official health certificate.

Official health certificate shall:

1. Be issued by an accredited veterinarian of the state of origin;

2. Be approved by the Animal Health Official of the state of origin;
3. Identify each animal by registration number, ear tag, tattoo, or ear notch approved by the respective breed registry;
4. Show the swine are free from visible evidence of contagious, infectious, or communicable diseases;
5. Show that the swine have not been fed raw garbage;
6. Show any swine more than 4 months of age to be negative to an official test for brucellosis, conducted by an official State or Federal laboratory within 30 days prior to entry, ~~or~~ OR that the swine originate from a validated brucellosis-free herd, with validated herd number and validation date listed on the health certificate;
7. Show any swine to be negative to an official test for pseudorabies conducted by an official State or Federal laboratory within 30 days prior to entry AND that the herd of origin has not been under quarantine for pseudorabies during the preceding 12 months OR that the swine originated from a qualified pseudorabies herd, with the qualified herd number and qualification date listed on the health certificate.

REGULATION IV

Pseudorabies (Aujeszky's Disease) in Swine

PART A -- Pseudorabies Quarantines

When pseudorabies has been diagnosed in a swine herd, such herd will be placed under quarantine if:

- a. It has been determined that there have been multiple swine deaths on the premises that are attributable to pseudorabies AND that swine are actually ill of a disease clinically diagnosed as pseudorabies;
- b. Pseudorabies (Aujeszky's disease) has been confirmed by laboratory diagnosis.

When the conditions above are present, the premises will be placed under quarantine until 30 days after multiple swine deaths due to pseudorabies have ceased; except that swine may be shipped from such premises to slaughter if such shipment is consigned to a market where breeding and feeding swine are not received and sold.

Markets that may not receive shipments of swine from premises quarantined for pseudorabies include but are not limited to (a) livestock auction markets, (b) markets licensed as feeder swine dealers, (c) swine buying stations which release swine for breeding purposes.

PART B -- Requirements for Establishing and Maintaining Qualified Pseudorabies Swine Herds

1. General Requirements

- a. Qualified pseudorabies herd certificates, which shall be valid until revoked, shall be issued upon completion of the required tests and each certificate shall include a qualified pseudorabies herd number. Qualified pseudorabies herd status shall be continuous for as long as (1) the specified test requirements are met, (2) all serum samples are negative to an official test for pseudorabies, and (3) all standards are met as outlined in these requirements.
- b. Blood samples shall be collected by an accredited veterinarian and shall be submitted to an approved laboratory for diagnosis. The veterinarian should indicate on each test chart that the test is being conducted for "qualified pseudorabies herd" purposes.
- c. A "qualified pseudorabies herd" shall consist of at least 10 swine and shall be considered as including all swine in the herd 6 months of age and over.
- d. All swine tested shall be identified by registry association approved individual tattoo, ear notch, registration number, or ear tag.
- e. All swine maintained for feeding purposes on the same premises as a qualified pseudorabies herd must be farrowed on the farm, OR must enter upon the premises under the provisions required for breeding animals.
- f. Participation under the qualified pseudorabies herd agreement shall be at owner's expense. The Department shall not be responsible for any damage or loss incurred while participating under such agreement.
- g. The owner shall furnish all information pertinent to the provisions of such agreement and shall permit authorized representatives of the Department to inspect the premises and the herd.

2. Initial Requirements

- a. Herds which have not been under quarantine for pseudorabies within the preceding 12 months may be initially qualified upon completion of one negative herd test of all breeding swine 6 months of age and over.
- b. Herds which have been under quarantine for pseudorabies within the preceding 12 months may be initially qualified upon completion of two negative herd tests of all breeding swine 6 months of age and over. Such tests to be conducted not less than 60 days apart.
- c. A minimum of 90 percent of the herd must have been on the premises for at least 90 days, OR originate directly from another qualified pseudorabies herd within 90 days.

- d. If positive animals are disclosed in a herd in the process of becoming a qualified pseudorabies herd, the positive animals shall be immediately isolated from the remainder of the herd to be disposed of for slaughter OR to be maintained on another premises separate and apart from that where the negative swine are maintained. The herd may then be recognized as a qualified pseudorabies herd when it has complied with the provisions of "b" of initial requirements for establishing a qualified pseudorabies herd.

3. Maintenance Requirements

- a. Qualified pseudorabies herd status shall be maintained continuously by a negative retest of 25 percent of the qualified herd approximately each 90 days (80-105 days). Breeding stock in the herd 6 months of age and over OR progeny 5 months of age and over, equivalent to the number of breeding swine, shall be included in the 90-day test. The same animals shall not be retested for requalification purposes in any 12-month period. If the members of the qualified herd are maintained on more than one premises, 25 percent of the swine on each premises shall be retested as required. If the 25 percent retests are not conducted when due, the requalification requirements shall then be the same as for initial qualification.
- b. If positive swine are disclosed on a requalification test, or on a test for any other purpose, positive swine shall be immediately isolated from the remainder of the herd to be disposed of for slaughter OR to be maintained on another premises separate and apart from that where the negative swine are maintained. The infected premises, or portions thereof, shall be cleaned and disinfected in a manner approved by the Department. Such herd may again be recognized as a qualified pseudorabies herd upon completion of two consecutive negative herd tests conducted not less than 30 nor more than 60 days apart. Such herd test shall include all breeding swine 6 months of age and over.

4. Additions

- a. Swine originating in another qualified pseudorabies herd may enter an Illinois qualified pseudorabies herd without test.
- b. Swine originating from other than a qualified pseudorabies herd shall be negative to an official test for pseudorabies conducted not more than 30 days prior to entry into the herd, shall be held in isolation from the other members of the qualified herd, and shall be retested and negative to an official test for pseudorabies not less than 30 nor more than 60 days following entry.
- c. Members of a qualified pseudorabies herd which are exhibited, or are otherwise commingled with swine from non-qualified pseudorabies herds, shall be held in isolation on the herd premises for a minimum of 30 days after return AND be tested and negative to an official test for

pseudorabies before being reunited with other members of the qualified herd.

REGULATION V

Official Pseudorabies Test

The term "official test" as regards pseudorabies, means any serologic test for the detection of pseudorabies approved by the American Association of Veterinary Laboratory Diagnosticians AND the Department.

TIME, PLACE AND MANNER IN WHICH
ALL INTERESTED PERSONS MAY PRESENT
THEIR VIEWS CONCERNING THE PROPOSED ACTION

On April 20, 1978, in Building 30 (Jr. Livestock Building), State Fairgrounds, Springfield, Illinois, a hearing is scheduled to start at 10 a.m. The Director, or a duly authorized representative, of the Department of Agriculture will conduct a public hearing with respect to the proposed adoption of new and revisions to the rules and regulations relating to the Illinois Swine Disease Control and Eradication Act.

Pursuant to Section 6.01 of the Civil Administrative Code (Illinois Revised Statutes, Chapter 127, Paragraph 6.01) and Section 15 of the Illinois Swine Disease Control and Eradication Act (Illinois Revised Statutes, Chapter 8, Paragraph 515), the proposed adoption of new and revisions to the rules and regulations relating to the Illinois Swine Disease Control and Eradication Act will be presented to the Advisory Board of Livestock Commissioners for their consideration and recommendation. The public meeting of the Advisory Board of Livestock Commissioners will run concurrent with the public hearing.

At that time and place, interested persons may appear and orally present their views, comments, data and arguments concerning the proposed adoption of new and revisions to the rules and regulations relating to the Illinois Swine Disease Control and Eradication Act. Any interested person requesting time to make an oral presentation must register at the registration desk prior to the start of the hearing.

Any interested person who is unable to attend the public hearing may submit in writing his or her views, comments, data or arguments concerning the proposed action on the rules and regulations relating to the Illinois Swine Disease Control and Eradication Act. Written submissions shall be signed by the person making the submission and shall be filed with the Director, Department of Agriculture, Building 30 (Jr. Livestock Building), State Fairgrounds, Springfield, Illinois 62706. No written submission will be considered by the Director unless it is postmarked on or before April 15, 1978, or, if delivered in person, received on or before 10 a.m. on April 20, 1978.

The Director will fully consider all oral and written submissions meeting the requirements of this Notice and of the Department of Agriculture's Rules and Regulations relating to the Administrative Procedures Act.

NOTICE BY THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF ILLINOIS
OF THE PROPOSED REVISIONS TO THE RULES AND
REGULATIONS RELATING TO SWINE BRUCELLOSIS

NOTICE

PLEASE TAKE NOTICE THAT pursuant to Section 7 of the Swine Brucellosis Eradication Act (Illinois Revised Statutes, Chapter 8, Paragraph 1481), and Section 5 of the Illinois Administrative Procedures Act (Illinois Revised Statutes, Chapter 127, Paragraph 1005), the Director of the Department of Agriculture of the State of Illinois has proposed a revision to the rules and regulations relating to swine brucellosis.

DESCRIPTION OF ALL SUBJECT
MATTER AND ISSUES INVOLVED

The proposed revisions to the rules and regulations relating to the Swine Brucellosis Eradication Act, the full text of which is set forth hereafter, cover the following subject matter and issues:

1. Places present information relative to requirements for establishing and maintaining validated brucellosis-free herds of swine in a single regulation and changes present individual regulations to sections. This change is being made since existing Regulation V does not pertain to validated brucellosis-free swine herds and note of that fact is not made clear.
2. Gives any inbred or hybrid swine registered with an approved livestock registry association the same status as purebred swine relative to validated brucellosis-free herds as provided by Statute.
3. Provides for an alternant method of herd revalidation through blood test of 25 percent of breeding animals in the herd over 6 months of age each 90 days.

COMPLETE TEXT OF THE
RULES AND REGULATIONS INVOLVED

REGULATIONS RELATING TO
SWINE BRUCELLOSIS

REQUIREMENTS-FOR-ESTABLISHING-AND
MAINTAINING-VALIDATED
BRUCELLOSIS-FREE-HERDS-OF-SWINE

Pursuant to Chapter 8, Paragraph 1481 ~~148f-et-seq., especially Section 7 of "An Act in relation to the suppression, eradication, and control of brucellosis among swine and to repeal a certain Act therein named,."~~ approved-
Approved July 10, 1953, as amended. Title amended by P. A. 78-636, effective October 1, 1973.

REGULATION IREQUIREMENTS FOR ESTABLISHING AND MAINTAINING
VALIDATED BRUCELLOSIS-FREE HERDS OF SWINESECTION I

General Requirements

1. Validated brucellosis-free herd certificates, which shall be valid for one year, unless revoked, are issued cooperatively by the Division and the Animal and Plant Health Inspection Service.
2. Validation may be extended for a period of one year upon evidence of compliance with the regulations for maintenance of a validated brucellosis-free swine herd.
3. All blood samples for validation or revalidation shall be collected by an accredited veterinarian, or by a technician at a Market Swine Testing approved collection point and shall be submitted for diagnosis to an approved laboratory. The veterinarian should indicate on each test chart that the test is being conducted to qualify a swine herd for validation or revalidation.
4. Initial tests to qualify for validation shall be made at owner's expense except as specified under Section "2" of Regulation Section II. Annual maintenance tests may be made at State expense, provided funds are available.
5. A "validated herd" shall consist of at least 5 animals and shall be considered as including all animals in the herd 6 months of age or over. All swine being held for feeding purposes, separate and apart from breeding swine, are exempted from herd test requirements.

~~6.--All-purebred-animals-shall-be-identified-by-registration-numbers,--
registry-association-approved-individual-tattoo-or-ear-notch-or-an-ear-tag--
Grade-animals-shall-be-identified-by-an-ear-tag-or-tattoo.--If-any-animal-
is-retagged-between-annual-tests,--the-identification-of-the-previous-year-
shall-be-shown-on-the-test-chart-opposite-new-retag-number.~~

6. Any purebred animal OR any inbred or hybrid animal registered with an approved livestock registry association shall be identified by registration number, registry association approved individual tattoo, ear notch, or an ear tag. Any grade animal shall be identified by an ear tag or tattoo. If any animal is retagged between annual tests, the identification of the previous year shall be shown on the test chart opposite new retag number.

REGULATION-IISECTION II

To Qualify for Validation

1. Herds which have shown no previous infection may be validated upon completion of one negative herd test of all breeding swine 6 months of age and over. Validation is effective for 12 months unless revoked and applies to all offspring, including Specific Pathogen-Free (SPF) pigs from such herds.

2. When reactors are disclosed in a herd in the process of becoming validated, the entire herd is placed under quarantine and the reactors shall be immediately isolated from the remainder of the herd. The reactor animals shall be tagged in the left ear with a reactor identification tag, disposed of within 15 days of report by the laboratory, a report of disposal made to the Division, and the entire herd subjected to brucellosis retests at intervals of not less than 30 nor more than 90 days. Quarantine will be released upon completion of one negative complete herd test; completion of two consecutive negative complete herd tests will qualify a herd for validation. (Complete herd retest for release of quarantine may be at State expense, provided funds are available.)

REGULATION-III

SECTION III

Maintenance Requirements

~~1.--Herds may be revalidated annually by either of the following methods:--~~

~~a.--A minimum of 20 percent of the adult breeding swine, 6 months of age and over, in the herd must be tested during the year under the Market Swine Testing (MST) program, with at least one half of the MST coverage obtained during the last 6 months of the validation period.-- Individual herd records for the MST results to support this method of revalidation shall be maintained by the Division, with the cooperation of the herd owner.--~~

~~b.--By a negative herd test of all breeding swine, 6 months of age and over, conducted within 10 to 14 months of the last validation date.~~

1. Herds may be revalidated annually by one of the following methods:

a. By a negative test of all breeding swine, 6 months of age and over, conducted within 10 to 14 months of the last validation date.

b. By testing a minimum of 20 percent of the breeding swine, 6 months of age and over, during the year under the Market Swine Testing (MST) Program by either of the following OR by a combination of both:

b-1. Blood samples collected at time of slaughter by a technician at a plant where swine are routinely sampled.

b-2. Blood samples collected by a veterinarian at a farm or some other convenient location within 7 days prior to shipment of

culled swine for slaughter purposes.

At least one-half of the MST coverage must be obtained during the last 6 months of the validation period. Individual MST results to support this method of revalidation shall be maintained by the herd owner and be furnished to the Division when the herd is due for revalidation.

2. REACTORS: If as a result of any retest of a validated herd or animals from a validated herd:

~~a. One reactor is disclosed, the entire herd is placed under quarantine and the reactor animal shall be immediately isolated from the remainder of the herd. The reactor shall be tagged in the left ear with a reactor identification tag, disposed of within 15 days of report by the laboratory, a report of disposal made to the Division, and the entire herd subjected to a retest not less than 30 nor more than 90 days following test on which the reactor was revealed. A negative test will qualify the herd for release of quarantine and validation will be restored for a period of 12 months. (Complete herd retest for release of quarantine may be at State expense, provided funds are available.)~~

a. One reactor is disclosed on complete herd test, the entire herd is placed under quarantine and the reactor animal shall be immediately isolated from the remainder of the herd. The reactor shall be tagged in the left ear with a reactor identification tag, disposed of within 15 days of report by the laboratory, a report of disposal made to the Division, and the entire herd subjected to a retest not less than 30 nor more than 90 days following test on which the reactor was revealed. A negative test will qualify the herd for release of quarantine and validation will be restored for a period of 12 months. (Complete herd retest for release of quarantine may be at State expense, provided funds are available).

b. More than one reactor is disclosed, the herd will be considered again in the process of validation as under Section-2 "2" of Regulation Section II.

~~c. If reactors are disclosed under the MST program the herd will be quarantined and the validated herd status suspended until a herd test is conducted. Such test may be made at State expense, provided funds are available. The herd test should be conducted within 30 days of disclosure of the market reactor. A negative test will qualify the herd for release of quarantine and validation will be restored for a period of 12 months. If additional reactors are disclosed the herd will be considered again in the process of validation as under Section-2 of Regulation II.~~

c. If reactors are disclosed under the MST or 25 percent quarterly programs, the herd will be quarantined and the validated herd

status suspended until a herd test is conducted. Such test may be at State expense, provided funds are available. The herd test should be conducted within 30 days of disclosure of the reactor. A negative test will qualify the herd for release of quarantine and validation will be restored for a period of 12 months. If additional reactors are disclosed, the herd will be considered again in the process of validation as under "2" of Section II.

3. ADDITIONS TO VALIDATED BRUCELLOSIS-FREE SWINE HERDS:

A. NATIVE ANIMALS:

1. Animals originating directly from a validated herd in good standing, without test (owner shall furnish proof of same to the Department), or
2. Animals from non-validated herds provided they have passed a negative test within 60 days and are held in isolation from the validated herd until passing a second negative test at least 60 days but not more than 90 days after the first test in the case of boars, or open gilts, or after farrowing in the case of bred sows and gilts.

B. ANIMALS FROM OUT-OF-STATE: All animals from out-of-state accompanied by an approved interstate health certificate, showing compliance with Illinois entry requirements, may be added to a validated herd, if they qualify as follows:

1. Animals originating directly from a validated herd in good standing, without test (owner shall furnish an official health certificate to the Department), or
2. Animals from non-validated herds provided they have passed a negative test within 30 days prior to addition, and are held in isolation from the validated herd until passing a second negative test at least 60 days but not more than 90 days after the first test, in the case of boars and open gilts, or after farrowing in the case of bred sows and gilts.

ADDITIONS ARE NOT RECOGNIZED AS A PART OF THE VALIDATED HERD UNTIL THE REQUIRED NEGATIVE RETESTS HAVE BEEN REPORTED TO THE ILLINOIS DIVISION OF MEAT, POULTRY AND LIVESTOCK INSPECTION.

REGULATION-IV

SECTION IV

Segregation of Feeding Animals

1. All swine brought on to the farm for feeding purposes shall be segregated from the breeding herd.

REGULATION -V- IIBrucellosis Reactors Disclosed in
Non-Validated Swine Herds

A. ONE REACTOR:

1. If one reactor is disclosed on a partial herd test, or test of an individual animal from a breeding herd:
 - a. The reactor shall be tagged in the left ear with a reactor identification tag and shipped direct to slaughter within 15 days.
 - b. An official test for brucellosis shall be conducted within 15 days on a representative sample of at least 50 percent of all breeding swine in the herd 6 months of age and over. If at least 50 percent of the herd is not tested within 30 days, the entire herd is to be placed under quarantine until tested and determined free of brucellosis infection, at which time the quarantine may be released.
2. If one reactor is disclosed on a complete herd test:
 - a. The reactor shall be tagged in the left ear with a reactor identification tag and shipped direct to slaughter within 15 days.
 - b. At least 50 percent of the herd is to be retested in 30-45 days. If a test of at least 50 percent of the herd is not conducted within 60 days, the herd is to be placed under quarantine until tested and determined free of brucellosis infection.

B. TWO OR MORE REACTORS:

1. If two or more reactors are disclosed on either a partial or complete herd test:
 - a. Each reactor shall be tagged in the left ear with a reactor identification tag and shipped direct to slaughter within 15 days.
 - b. The entire herd shall be placed under quarantine and complete brucellosis herd tests conducted as follows:

Partial Herd Test --

All breeding swine in the herd 6 months of age and over shall be tested for brucellosis immediately. Thereafter, the entire herd is to be retested at 30-45 day intervals until determined free of

brucellosis infection, at which time the quarantine may be released.

Complete Herd Test --

The entire herd is to be retested at 30-45 day intervals until determined free of brucellosis infection, at which time the quarantine may be released.

C. SWINE BRUCELLOSIS REACTORS DISCLOSED ON TEST AT MARKETS:

1. Each such reactor animal shall be tagged in the left ear with a reactor identification tag and shipped direct to slaughter. The negative animals in the consignment must either be sold direct to slaughter OR returned to the farm of origin and comply with "A" or "B" of this Regulation.

TIME, PLACE AND MANNER IN WHICH
ALL INTERESTED PERSONS MAY PRESENT
THEIR VIEWS CONCERNING THE PROPOSED ACTION

On April 20, 1978, in Building 30 (Jr. Livestock Building), State Fairgrounds, Springfield, Illinois, a hearing is scheduled to start at 10 a.m. The Director, or a duly authorized representative, of the Department of Agriculture will conduct a public hearing with respect to the proposed revisions to the rules and regulations relating to the Swine Brucellosis Eradication Act.

Pursuant to Section 6.01 of the Civil Administrative Code (Illinois Revised Statutes, Chapter 127, Paragraph 6.01) and Section 7 of the Swine Brucellosis Eradication Act (Illinois Revised Statutes, Chapter 8, Paragraph 1481), the proposed revisions to the rules and regulations relating to the Swine Brucellosis Eradication Act will be presented to the Advisory Board of Livestock Commissioners for their consideration and recommendation. The public meeting of the Advisory Board of Livestock Commissioners will run concurrent with the public hearing.

At that time and place, interested persons may appear and orally present their views, comments, data and arguments concerning the proposed revisions to the rules and regulations relating to the Swine Brucellosis Eradication Act. Any interested person requesting time to make an oral presentation must register at the registration desk prior to the start of the hearing.

Any interested person who is unable to attend the public hearing may submit in writing his or her views, comments, data or arguments concerning the proposed action on the rules and regulations relating to the Swine Brucellosis Eradication Act. Written submissions shall be signed by the person making the submission and shall be filed with the Director, Department of Agriculture, Building 30 (Jr. Livestock Building), State Fairgrounds, Springfield, Illinois 62706. No written submission will be considered by the Director unless it is postmarked on or before April 15, 1978, or, if delivered in person, received on or before 10 a.m. on April 20, 1978.

The Director will fully consider all oral and written submissions meeting the requirements of this Notice and of the Department of Agriculture's Rules and Regulations relating to the Administrative Procedures Act.

NOTICE BY THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF ILLINOIS
OF THE PROPOSED REVISIONS TO THE RULES AND
REGULATIONS RELATING TO BOVINE BRUCELLOSIS

NOTICE

PLEASE TAKE NOTICE THAT pursuant to Section 10 of the Bovine Brucellosis Eradication Act (Illinois Revised Statutes, Chapter 8, Paragraph 143), and Section 5 of the Illinois Administrative Procedures Act (Illinois Revised Statutes, Chapter 127, Paragraph 1005), the Director of the Department of Agriculture of the State of Illinois has proposed a revision to the rules and regulations relating to bovine brucellosis.

DESCRIPTION OF ALL SUBJECT
MATTER AND ISSUES INVOLVED

The proposed revisions to the rules and regulations relating to the Bovine Brucellosis Eradication Act, the full text of which is set forth hereafter, cover the following subject matter and issues:

1. Increase the amount of indemnity paid by the State of Illinois for bovine brucellosis reactors, and for negative exposed animals included in infected herd depopulations to conform to the change in the Statutes which became effective October 1, 1977. Eliminates appraisal and salvage.
2. Change age limits for official calfhood vaccination for female bovine from not less than 90 to not more than 210 days of age to not less than 60 nor more than 210 days of age to conform to the change in the Statutes which became effective October 1, 1977.
3. Establish period of 10 days following entry as the period during which non-tested cattle consigned into Illinois for slaughter must be slaughtered.

COMPLETE TEXT OF THE
RULES AND REGULATIONS INVOLVED

REGULATION V

Indemnity

A. Indemnity will be paid to owners of dairy and breeding cattle which react to the official test for the detection of bovine brucellosis provided:

1. Tests are read at an approved laboratory.
2. A report has been received that the entire herd has been officially tested, except calves under 6 months of age and official vaccinates under 24 months of age.

3. Indemnity forms are completed by a regularly employed State, Federal, County or accredited veterinarian and all statutory requirements governing the payment of indemnity are observed.

Indemnity will not be paid for reactors disclosed on tests for release of feeder quarantine or where incomplete herd tests are conducted.

B. When a herd is found to be severely infected as evidenced by disclosure of multiple reactors on a series of 2 or more herd tests, or by more than 20% of the herd being disclosed as reactors on a single herd test, the entire herd may be depopulated, provided the herd owner agrees to such depopulation.

When the complete herd depopulation procedure is followed, and when State funds are available, the State shall pay to the owner of cattle destroyed ~~the appraisal value of such cattle, less any salvage value received and less any indemnity received from the Federal Government, but in no case shall the State indemnity payment exceed \$25.00~~ an indemnity of \$50 for any grade animal ~~or \$50.00~~ and \$100 for any registered purebred or crossbred animal.

If ~~at any time~~ indemnity funds are not available from the Federal Government, and when State funds are available, the State shall pay to the owner of cattle destroyed ~~the appraisal value of such cattle less any salvage value received, but in no case shall the State indemnity payment exceed \$75.00~~ an indemnity of \$100 for any grade animal ~~or \$150.00~~ and \$200 for any registered purebred or crossbred animal.

REGULATION XII

REQUIREMENTS FOR ESTABLISHING AND MAINTAINING CERTIFIED BRUCELLOSIS-FREE HERDS OF CATTLE

SECTION I

GENERAL REQUIREMENTS

1. Certified brucellosis-free herd certificates, which shall be valid for one year, unless revoked, are issued cooperatively by the Division and the Animal and Plant Health Inspection Service.
2. Certification may be extended for a period of one year upon evidence of a negative herd retest and compliance with Illinois requirements for maintenance of a certified brucellosis-free herd.
3. All blood samples for certification or recertification of herds shall be submitted for diagnosis to an approved laboratory.
4. A "herd" shall be considered as including all animals 6 months of age or over, except steers and spayed heifers.

5. A certified herd shall consist of at least 10 animals and shall include all animals in the herd 6 months of age or over, except steers, spayed heifers and officially vaccinated animals under 24 months of age which have not passed a negative test subsequent to vaccination. (Testing of official vaccinates under 24 months of age is optional, however, any official vaccinate under these ages that passes a negative test may become a part of the certified herd.)

6. All purebred or crossbred animals registered with an approved registry association shall be identified by registration number, dam's registration number, or record association approved individual tattoo, and grade animals shall be identified by ear tag numbers. If any animal is retagged between annual tests, the identification of the previous year shall be shown on the test chart opposite new retag number. Any change in members of the herd shall also be accounted for.

SECTION II

TO QUALIFY FOR CERTIFICATION

1. Herds not under quarantine because of brucellosis infection may be certified upon completion of two consecutive negative complete herd tests not less than 10 months nor more than 14 months apart. (Testing of official vaccinates under 24 months of age is optional.)

2. Animals classified as suspects, in herds that are otherwise negative, must be retested at not more than 30-day intervals until their status has been determined. The various supplemental tests shall be conducted on blood samples in the Division's Brucellosis Problem Herd Laboratory, State-Federal Serology Laboratory, Springfield; the results evaluated by a brucellosis epidemiologist; and a determination made that infection does not exist before the surveillance on such animals is concluded.

3. If the suspects are sold for slaughter before their status has been determined, the entire herd must be retested to achieve a negative herd status.

4. If suspects are classified as reactors upon retest, the herd is considered to be an infected herd.

5. REACTORS: If on initial herd test, or as a result of any retest of animals in a herd in the process of qualifying for certification -

- a. One reactor is disclosed, the entire herd is placed under quarantine and the reactor shall be immediately isolated from the remainder of the herd. The reactor shall be reactor tagged and branded by an accredited veterinarian within 10 days of report by the laboratory, disposed of within 15 days after tagging and branding, a report of disposal made to the Division, and the entire herd subjected to a brucellosis retest not earlier than 60 days following removal of

the reactor. If this herd retest is negative, the quarantine will be released and the negative herd retest considered the first negative herd test toward certification.

- b. More than one reactor is disclosed, the entire herd is placed under quarantine and the reactors shall be immediately isolated from the remainder of the herd. The reactors shall be reactor tagged and branded by an accredited veterinarian within 10 days of report by the laboratory, disposed of within 15 days after tagging and branding, a report of disposal made to the Division, and the entire herd subjected to retests. Two consecutive negative herd tests are required for release of quarantine, with the first test conducted not less than 30 days after the removal of all reactors and the second test to be conducted not less than 90 days following the first negative test. The second negative herd retest will be considered as the first negative herd test toward certification.

SECTION III

RECERTIFICATION

1. A negative herd test conducted within 60 days prior to anniversary date is required for continuous certified brucellosis-free herd status. (Testing of official vaccinates under 24 months of age is optional.) Upon receipt of negative herd test, certification will be extended for 12 months from the anniversary date and not 12 months from the date of the recertifying test; provided, the herd has complied with all other requirements of certification.

2. If the annual herd test for recertification is conducted within 60 days following the anniversary date, the certification period will be 12 months from the anniversary date and not 12 months from the date of the recertifying test.

3. If the annual herd test for recertification is not conducted within 60 days following the anniversary date, certification requirements are the same as for initial certification.

4. SUSPECTS: If the retest of a herd discloses suspects only, the herd status will not be suspended; provided, the suspects are retested at not more than 30-day intervals until their status is determined as outlined in "2" under Section II.

5. REACTORS: If as a result of any retest of a certified herd, or any retest of animals from a certified herd -

- a. One reactor is disclosed, the certification status will be suspended and the entire herd placed under quarantine. The reactor shall be immediately isolated from the remainder of the herd, reactor tagged

and branded by an accredited veterinarian within 10 days of report by the laboratory, disposed of within 15 days after tagging and branding, and a report of disposal made to the Division. The entire herd shall be subjected to a brucellosis retest not earlier than 60 days following removal of such reactor. If this herd retest is negative, the quarantine will be released and the entire herd can then be restored to certified herd status for a period of 12 months from the anniversary date and not 12 months from the date of the negative herd retest.

- b. More than one reactor is disclosed, the herd certification is terminated and the herd will be considered again in the process of qualifying for certification as under "5b" of Section II.

6. VACCINATES:

- a. Illinois Statutes provide that, January 1, 1978, and after, female bovine animals ~~calves~~ may be vaccinated when they are not less than 60 -90-days nor more than 210 days of age (previously not less than 90 nor more than 210 days of age). The pre-bleeding of calves is optional. After vaccination, animals are not considered a part of the certified herd until they show a negative brucellosis test before reaching 24 months of age. (Brucellosis calfhood vaccination is not required in certified brucellosis-free herds. It is recommended that owners who continue brucellosis calfhood vaccination in their herds have their heifer calves vaccinated when between 2 -3 and 5 months of age inasmuch as there is less probability of animals retaining titers as adults when they are vaccinated at a younger age.)
- b. If, in order to facilitate interstate shipments, it is the desire of an owner that an official vaccinate which reaches 24 months of age between recertification tests be made a member of the certified herd, the owner may have the animal tested at his expense. A report of the negative brucellosis test should be forwarded to the Division together with written request from the owner that the animal be made a part of the certified herd.
- c. If, upon reaching 24 months of age, an officially vaccinated animal is classified as a suspect, the herd owner shall comply with requirements of "2," "3," and "4" of Section II.
- d. If, upon reaching 24 months of age, an officially calfhood vaccinated animal is classified as a reactor, the herd owner shall comply with requirements of "5" of Section III.

7. ADDITIONS TO CERTIFIED BRUCELLOSIS-FREE HERDS:

- a. Animals originating from other certified herds may be added without test.

- b. Animals originating from herds not certified may be added; provided:
1. They are official vaccinates under 24 months of age accompanied by a certificate verifying the vaccination status, OR
 2. The individual animals (including official vaccinates over 24 months of age) are negative to an official brucellosis blood test within 30 days prior to date of movement, are held in isolation from other members of the certified herd for a minimum period of 30 days, and are retested and negative at the end of the isolation period.

Illinois animals must be accompanied by record of negative brucellosis test or official vaccination record.

Out-of-state animals must be accompanied by an approved interstate health certificate showing compliance with Illinois entry requirements.

Purchased additions shall not receive new herd status for exhibition or sale purposes until they have been members of the herd at least 30 days and are included in a complete herd retest.

SECTION IV

PAYMENT FOR TESTS

1. Owner's expense: The herd tests to qualify a herd for brucellosis-free certification shall be conducted at owner's expense.
2. State expense: The retests of suspects, and retests to qualify a herd for release from quarantine may be conducted at State expense as long as funds are available for this purpose.

REGULATION XV

Cattle for Immediate Slaughter

1. Cattle for immediate slaughter accompanied by a consignment and consigned to a recognized slaughtering center may be shipped into Illinois without brucellosis test or official interstate health certificate. Such cattle shall not be diverted en route and shall be held in quarantine until slaughtered within 10 days of entry.

2. Cattle consigned for immediate slaughter not consigned to a recognized slaughtering center, or markets identified under Section 17a of the Act, may be shipped into Illinois without brucellosis test if they are accompanied by an official certificate of veterinary inspection OR a special entry permit issued by the Division. Such cattle shall be held in quarantine and until slaughtered within 10 days of entry. ~~and each~~ Each group shall be reported within 10 days to the Division on a separate invoice listing the purchaser, description of animal, and the recognized slaughtering center where slaughtered.

TIME, PLACE AND MANNER IN WHICH
ALL INTERESTED PERSONS MAY PRESENT
THEIR VIEWS CONCERNING THE PROPOSED ACTION

On April 20, 1978, in Building 30 (Jr. Livestock Building), State Fairgrounds, Springfield, Illinois, a hearing is scheduled to start at 10 a.m. The Director, or a duly authorized representative, of the Department of Agriculture will conduct a public hearing with respect to the proposed revisions to the rules and regulations relating to the Bovine Brucellosis Eradication Act.

Pursuant to Section 6.01 of the Civil Administrative Code (Illinois Revised Statutes, Chapter 127, Paragraph 6.01) and Section 10 of the Bovine Brucellosis Eradication Act (Illinois Revised Statutes, Chapter 8, Paragraph 143), the proposed revisions to the rules and regulations relating to the Bovine Brucellosis Eradication Act will be presented to the Advisory Board of Livestock Commissioners for their consideration and recommendation. The public meeting of the Advisory Board of Livestock Commissioners will run concurrent with the public hearing.

At that time and place, interested persons may appear and orally present their views, comments, data and arguments concerning the proposed revisions to the rules and regulations relating to the Bovine Brucellosis Eradication Act. Any interested person requesting time to make an oral presentation must register at the registration desk prior to the start of the hearing.

Any interested person who is unable to attend the public hearing may submit in writing his or her views, comments, data or arguments concerning the proposed action on the rules and regulations relating to the Bovine Brucellosis Eradication Act. Written submissions shall be signed by the person making the submission and shall be filed with the Director, Department of Agriculture, Building 30 (Jr. Livestock Building), State Fairgrounds, Springfield, Illinois 62706. No written submission will be considered by the Director unless it is postmarked on or before April 15, 1978, or, if delivered in person, received on or before 10 a.m. on April 20, 1978.

The Director will fully consider all oral and written submissions meeting the requirements of this Notice and of the Department of Agriculture's Rules and Regulations relating to the Administrative Procedures Act.

NOTICE BY THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF ILLINOIS
OF THE PROPOSED REPEAL OF AND REVISIONS TO THE
RULES AND REGULATIONS RELATING TO DISEASED ANIMALS

NOTICE

PLEASE TAKE NOTICE THAT pursuant to Section 2 of the Illinois Diseased Animals Act (Illinois Revised Statutes, Chapter 8, Paragraph 169), and Section 5 of the Illinois Administrative Procedures Act (Illinois Revised Statutes, Chapter 127, Paragraph 1005), the Director of the Department of Agriculture of the State of Illinois has proposed the repeal of some and the revision of some of the rules and regulations relating to diseased animals.

DESCRIPTION OF ALL SUBJECT
MATTER AND ISSUES INVOLVED

The proposed repeal of some and the revision of some of the rules and regulations relating to the Illinois Diseased Animals Act, the full text of which is set forth hereafter, cover the following subject matter and issues:

1. Reduce the published listing of "reportable diseases" in Illinois by placing all diseases not presently known to exist in the United States in a special category of "exotic" diseases. Reporting of any "exotic" disease would still be required by regulation. Deletes equine infectious anemia as a reportable disease.
2. Establish a period of 10 days in which livestock consigned into the State of Illinois for "immediate slaughter" must be slaughtered.
3. Deletes present regulations relative to pseudorabies in swine and moves these regulations to the Illinois Swine Disease Control and Eradication Act.
4. Due to the increasing prevalence of bluetongue in cattle in the United States, present regulations relative to bluetongue in sheep are proposed to be amended to include cattle.
5. Delete present regulation relative to sheep scabies since this disease was declared eradicated from the United States in January, 1970. Any case of sheep scabies encountered hereafter would be handled as an "exotic" disease.
6. Substitutes the term "consignment" for the term "waybill" relative to documents accompanying animals consigned into the State.
7. Repeals regulation relative to requirement for an official interstate health certificate to accompany equidae transported or moved into the State.

COMPLETE TEXT OF THE
RULES AND REGULATIONS INVOLVED

REGULATION I

Reportable Diseases

The diseases that shall be reported immediately to the Department are:

~~African-horsesickness~~
~~African-swine-fever~~
 anthrax
 bluetongue
 brucellosis -- bovine, swine, and caprine
~~contagious-bovine-pneumonia--~~
~~dourine~~
~~equine-infectious-anemia~~
 equine viral encephalitis encephalitides
~~foot-and-mouth-disease-and-other~~
 vesicular-diseases
 fowl-plague
 fowl typhoid
~~glanders-~~
 hog cholera
 Newcastle disease
~~piroplasmiasis~~
 pseudorabies -- (Aujeszky's disease)
 psittacosis
 pullorum disease
 rabies
~~rinderpest~~
 salmonella typhimurium -- poultry
 scabies -- cattle and sheep
 scrapie
 tuberculosis -- bovine
~~Venezuelan-Equine-Encephalomyelitis--~~
~~any-contagious-or-infectious-disease-not-now~~
 ~~known-to-exist-in-Illinois-~~
vesicular conditions of any type
any contagious or infectious disease presently
 considered as "exotic" or not known to
 exist in the United States

Any herd owner, flock owner, veterinarian or other person having knowledge of the disease, failing to report a suspect case of any of the above diseases immediately after discovery, or who is responsible for the spread of the disease, shall be subject to penalty as provided by law.

Reports of any of the above diseases shall be made to the Division of Meat, Poultry and Livestock Inspection, State Fairgrounds, Springfield, Illinois 62706- ~~Phone-782-4944-(Area-217)~~ , telephone 217/782-4944.

ILLINOIS REGISTER

REGULATION III

Disposal of Sick, Diseased, or
Crippled Animals at Stockyards

No person, firm, or corporation shall remove from any public stockyards any sick, diseased, or crippled animals for the purpose of producing meat to be sold for human consumption, except in cases where the Division releases such animals after ~~ante-mortem~~ antemortem inspection, provided that this restriction shall not apply to any ~~slaughter-house-where-Federal-or-State-inspection-is-maintained~~ recognized slaughtering establishment.

REGULATION V

Identification Ear Tags for Livestock

All livestock, except purebred or crossbred animals registered with an approved registry association, tested for brucellosis and/or tuberculosis in the State of Illinois shall be identified by an ear tag placed in the right ear, which tag shall bear the prefix number "33," followed by 3 letters and then by 4 numbers, and on the reverse side shall bear the word "Illinois."

Purebred or crossbred animals registered with an approved registry association ~~Purebred-registered-animals~~ may be identified for test or vaccination by ~~the-purebred-~~ registration number, ~~or-individual-registration-breed-tattoo~~ dam's registration number, or record association approved individual tattoo.

REGULATION VII

Livestock for Immediate Slaughter Not to be
Diverted En Route

All livestock consigned for immediate slaughter within 10 days, from public stockyards within Illinois, shall be accompanied by slaughter permit ~~issued-by-the-Division~~ and slaughtered within 10 days. All such animals shall be delivered direct to ~~the-approved~~ a recognized slaughtering establishment and shall not be diverted en route.

REGULATION VIII

~~Pseudorabies-(Aujeszky's-Disease)-in-Swine~~~~PART-A---Pseudorabies-Quarantines-~~

~~When-pseudorabies-has-been-diagnosed-in-a-swine-herd,-such-herd-will-be--placed-under-quarantine-if:-~~

~~(a)--it-has-been-determined-that-there-have-been-multiple-swine-deaths-on~~

the premises that are attributable to pseudorabies and that swine are actually ill of a disease clinically diagnosed as pseudorabies;

(b) pseudorabies (Aujeszky's Disease) has been confirmed by laboratory diagnosis.

When the conditions above are present, the premises will be placed under quarantine until 30 days after multiple swine deaths due to pseudorabies have ceased; except that swine may be shipped from such premises to slaughter if such shipment is consigned to a market where breeding and feeding swine are not received and sold.

Markets that may not receive shipments of swine from premises quarantined for pseudorabies include but are not limited to (a) livestock auction markets; (b) markets licensed as feeder swine dealers; (c) swine buying stations which release swine for breeding purposes.

PART B --- Requirements for Establishing and Maintaining Qualified Pseudorabies Swine Herds

1. General Requirements

- a. Qualified pseudorabies herd certificates, which shall be valid until revoked, shall be issued upon completion of the required tests and each certificate shall include a qualified pseudorabies herd number. Qualified pseudorabies herd status shall be continuous for as long as (1) the specified test requirements are met; (2) all serum samples are negative to the serum neutralization (SN) test for pseudorabies; and (3) all standards as outlined in these requirements are met.
- b. Blood samples shall be collected by an accredited veterinarian and shall be submitted to an approved laboratory for diagnosis. The veterinarian should indicate on each test chart that the test is being conducted for "qualified pseudorabies herd" purposes.
- c. A "qualified pseudorabies herd" shall consist of at least 10 swine and shall be considered as including all swine in the herd 6 months of age and over.
- d. All swine tested shall be identified by registry association approved individual tattoo, ear notch, registration number, or ear tag.
- e. All swine maintained for feeding purposes on the same premises as a qualified pseudorabies herd must be farrowed on the farm, OR must enter upon the premises under the provisions required for breeding animals.
- f. Participation under the qualified pseudorabies herd agreement shall be at owner's expense. The Department shall not be responsible for any damage or loss incurred while participating under such agreement.

- g.--The owner shall furnish all information pertinent to the provisions of such agreement and shall permit authorized representatives of the Department to inspect the premises and the herd.

2.--Initial Requirements

- a.--Herds which have not been under quarantine for pseudorabies within the preceding 12 months may be initially qualified upon completion of one negative herd test of all breeding swine 6 months of age and over.
- b.--Herds which have been under quarantine for pseudorabies within the preceding 12 months may be initially qualified upon completion of two negative herd tests of all breeding swine 6 months of age and over. Such tests to be conducted not less than 60 days apart.
- c.--A minimum of 90 percent of the herd must have been on the premises for at least 90 days, OR originate directly from another qualified pseudorabies herd within 90 days.
- d.--If serum neutralization (SN) positive animals are disclosed in a herd in the process of becoming a qualified pseudorabies herd, the positive animals shall be immediately isolated from the remainder of the herd to be disposed of for slaughter OR to be maintained on another premises separate and apart from that where the negative swine are maintained. The herd may then be recognized as a qualified pseudorabies herd when it has complied with the provisions of "b" of initial requirements for establishing a qualified pseudorabies herd.

3.--Maintenance Requirements--

- a.--Qualified pseudorabies herd status shall be maintained continuously by a negative retest of 25 percent of the qualified herd approximately each 90 days (80-105 days). Breeding stock in the herd 6 months of age and over OR progeny 5 months of age and over, equivalent to the number of breeding swine, shall be included in the 90-day test. The same animals shall not be retested for requalification purposes in any 12-month period. If the members of the qualified herd are maintained on more than one premises, 25 percent of the swine on each premises shall be retested as required. If the 25 percent retests are not conducted when due, the requalification requirements shall then be the same as for initial qualification.
- b.--If serum neutralization (SN) positive swine are disclosed on a requalification test, or on a test for any other purpose, positive swine shall be immediately isolated from the remainder of the herd to be disposed of for slaughter OR to be maintained on another premises separate and apart from that where the negative swine are maintained. The infected premises, or portions thereof, shall be

cleaned and disinfected in a manner approved by the Department.--Such herd may again be recognized as a qualified pseudorabies herd upon completion of two consecutive negative herd tests conducted not less than 30 nor more than 60 days apart.--Such herd test shall include all breeding swine 6 months of age and over.

4.--Additions

- a.--Swine originating in another qualified pseudorabies herd may enter an Illinois qualified pseudorabies herd without test.--
- b.--Swine originating from other than a qualified pseudorabies herd shall be negative to the serum neutralization (SN) test for pseudorabies--conducted not more than 30 days prior to entry into the herd, shall be held in isolation from the other members of the qualified herd, and--shall be retested and negative to the serum neutralization (SN) test for pseudorabies not less than 30 nor more than 60 days following entry.
- c.--Members of a qualified pseudorabies herd which are exhibited, or are otherwise commingled with swine from non-qualified pseudorabies herds,--shall be held in isolation on the herd premise for a minimum of 30 days after return AND be tested and negative to the serum neutralization--(SN) test for pseudorabies before being reunited with other members of the qualified herd.--

REGULATION XII

Bluetongue in Sheep

No cattle or sheep infected with or exposed to bluetongue, and no cattle or sheep from an area under quarantine because of bluetongue, may be transported within or moved into the State of Illinois.

REGULATION XIII

Sheep Scabies

1.--No sheep infested with or exposed to scabies shall be moved into or within the State for any purpose, except as provided in these Regulations.--

2.--Sheep infested with or exposed to scabies may be sold for immediate slaughter within the State to stockyards where State or Federal inspection is maintained, or to a recognized slaughtering establishment, to be slaughtered within 10 days after owner has applied for and received permission from the Division.--The request for permit shall give the owner's name and address, number and kind of sheep, the name and address of commission firm or slaughtering establishment sheep will be consigned to, date of shipment, name and kind of carrier, such as make and license number of truck, and truck operator's name, if by rail, railroad ear number and name of carrier.--After unloading infested or exposed sheep, conveyance--shall be immediately cleaned and disinfected.--

3.--Infested-sheep-will-be-permitted-movement-for-any-purpose-after quarantine-has-been-released.--Quarantine-will-be-released-if-flock-is-found-free-of-seabies-after-following-procedure:--sheep-dipped-twice-in approved-dip-and-with-approved-procedure-by-State-or-Federal-inspector,--inspection-60-days-following-last-dipping.

4.--All-sheep-in-a-flock-or-shipment-in-which-the-disease-of-seabies-is-present-shall-be-classed-as-infested-sheep,--and-none-shall-be-offered-for-sale-or-movement-until-dipped-as-provided-in-these-Regulations.

5.--The-dipping-of-sheep-other-than-those-infested-with-or-exposed-to-seabies-shall-be-according-to-these-Regulations-and-at-the-owner's-expense. Those-flocks--found-infested-with-or-exposed-to-seabies-will-be-dipped-in-the-State-owned-portable-dipping-vats-or-other-approved-dipping-vats-under supervision-of-State-or-Federal-employees-and-only-the-material-used-to-dip-the-sheep-will-be-supplied-at-the-owner's-expense.

6.--Permitted-dips:

a.--Toxaphene---3-quarts-to-100-gallons-of-water-which-makes-a-solution-of-0.5%-at-40^o-to-80^o-F.-temperature.--Sheep-dipped-in-this-material-shall-not-be-offered-for-slaughter-within--30-days-of-dipping,--or--

b.--Other-dipping-preparations-recognized-by-the-U.-S.-Department-of-Agriculture-and-the-Illinois-Department-of-Agriculture.--

REGULATION XX

Consignments to Stockyards, Recognized Slaughtering
Centers, or Marketing Centers

All out-of-state livestock, except swine, consigned to a public stockyard, recognized slaughtering center, or marketing center shall be accompanied from point of origin by a permit issued by the Division, OR by a consignment issued by the owner or shipper of the livestock, designating the name of the owner or shipper, place of origin, public stockyard, recognized slaughtering center, or marketing center of destination, date of shipment, number and description of livestock, and that the livestock in said consignment are free from any known contagious or infectious disease.

The-consignment-shall-be-made-in-duplicate.--One-copy-shall-be-forwarded by-the-transportation-company-or-truck-operator-to-the-Division-office-within 10-days,--and-one- A copy of the consignment shall be held by the public stockyard, recognized slaughtering center, or marketing center for a period of not less than 6 months for inspection by legally authorized officials of the United States Department of Agriculture, or the Illinois Department of Agriculture, or other officials having police powers.

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REGULATION XXI

Obligation of Transportation Company and Truck Operators

Before accepting any livestock or dogs for shipment into the State of Illinois or consigned to points within the State of Illinois, except to public stockyards, every person, transportation company, or truck operator shall require that a certificate of health OR permit, as required in the regulations of the Department, be furnished them to be attached to the ~~waybill~~ consignment and accompany the livestock or dog to its destination. Such person, transportation company, or truck operator shall have the certificate of health OR permit in his or its possession at all times from the loading of such livestock to the delivery of the livestock at its destination, and available for inspection upon demand. Such consignment shall show date, names of consignor and consignee, number and description of animals, and shall accompany all animals consigned to public stockyards.

~~Waybill shall show date, names of consignor and consignee, and number and description of animals. Waybill shall accompany all animals consigned to public stockyards.~~

No livestock shall be diverted en route within the State, except on special permit from the Division.

REGULATION XXIII

Equidae

~~All equidae transported or moved into Illinois shall be accompanied by an official interstate health certificate showing them to be free from visible evidence of any infectious or communicable disease as evidenced by veterinary examination within 30 days of shipment, except those consigned to a licensed slaughterer.~~

TIME, PLACE AND MANNER IN WHICH ALL INTERESTED
PERSONS MAY PRESENT THEIR
VIEWS CONCERNING THE PROPOSED ACTION

On April 20, 1978, in Building 30 (Jr. Livestock Building), State Fairgrounds, Springfield, Illinois, a hearing is scheduled to start at 10 a.m. The Director, or a duly authorized representative, of the Department of Agriculture will conduct a public hearing with respect to the proposed repeal of some and the revision of some of the rules and regulations relating to the Illinois Diseased Animals Act.

Pursuant to Section 6.01 of the Civil Administrative Code (Illinois Revised Statutes, Chapter 127, Paragraph 6.01) and Section 2 of the Illinois Diseased Animals Act (Illinois Revised Statutes, Chapter 8, Paragraph 169), the proposed repeal of some and the revision of some of the rules and regulations relating to the Illinois Diseased Animals Act will be presented

to the Advisory Board of Livestock Commissioners for their consideration and recommendation. The public meeting of the Advisory Board of Livestock Commissioners will run concurrent with the public hearing.

At that time and place, interested persons may appear and orally present their views, comments, data and arguments concerning the proposed repeal and/or revisions to the rules and regulations relating to the Illinois Diseased Animals Act. Any interested person requesting time to make an oral presentation must register at the registration desk prior to the start of the hearing.

Any interested person who is unable to attend the public hearing may submit in writing his or her views, comments, data or arguments concerning the proposed action on the rules and regulations relating to the Illinois Diseased Animals Act. Written submissions shall be signed by the person making the submission and shall be filed with the Director, Department of Agriculture, Building 30 (Jr. Livestock Building), State Fairgrounds, Springfield, Illinois 62706. No written submission will be considered by the Director unless it is postmarked on or before April 15, 1978, or, if delivered in person, received on or before 10 a.m. on April 20, 1978.

The Director will fully consider all oral and written submissions meeting the requirements of this Notice and of the Department of Agriculture's Rules and Regulations relating to the Administrative Procedures Act.

NOTICE BY THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF ILLINOIS
OF THE PROPOSED REPEAL AND REVISIONS TO THE
RULES AND REGULATIONS RELATING TO BOVINE TUBERCULOSIS

NOTICE

PLEASE TAKE NOTICE THAT pursuant to Section 18 of the Bovine Tuberculosis Eradication Act (Illinois Revised Statutes, Chapter 8, Paragraph 104), and Section 5 of the Illinois Administrative Procedures Act (Illinois Revised Statutes, Chapter 127, Paragraph 1005), the Director of the Department of Agriculture of the State of Illinois has proposed a revision to and a repeal of one of the rules and regulations relating to bovine tuberculosis.

DESCRIPTION OF ALL SUBJECT
MATTER AND ISSUES INVOLVED

The proposed repeal of and revisions to the rules and regulations relating to the Bovine Tuberculosis Eradication Act, the full text of which is set forth hereafter, cover the following subject matter and issues:

1. Repeals an obsolete regulation relative to sale and distribution of tuberculin.
2. Incorporates present policy relative to the various tuberculin tests in a new regulation.

COMPLETE TEXT OF THE
RULES AND REGULATIONS INVOLVED

REGULATION IV

Sale and Distribution of Tuberculin

~~All persons, companies, partnerships, or corporations engaged in the sale or distribution of biological products within the State of Illinois shall report to the Division all sales of bovine and avian tuberculin. Sales shall be made only to accredited veterinarians.~~

REGULATION XIII

Tuberculin Tests

1. The caudal fold test shall be the official tuberculin test for testing of cattle not known to be infected with, or exposed to, bovine tuberculosis. The caudal fold test shall be applied by accredited veterinarians OR by full-time State or Federal regulatory veterinarians.

2. The comparative cervical test shall be the official tuberculin test for retesting suspects. The comparative cervical test shall be applied only by full-time employed State or Federal regulatory veterinarians. The comparative cervical test must be applied within 10 OR not less than 60 days following the initial caudal fold injection.

3. The comparative cervical test shall be the official tuberculin test for retesting known infected herds and exposed cattle which were once part of a known infected herd. The comparative cervical test shall be applied only by full-time employed State or Federal regulatory veterinarians.

TIME, PLACE AND MANNER IN WHICH
ALL INTERESTED PERSONS MAY PRESENT
THEIR VIEWS CONCERNING THE PROPOSED ACTION

On April 20, 1978, in Building 30 (Jr. Livestock Building), State Fairgrounds, Springfield, Illinois, a hearing is scheduled to start at 10 a.m. The Director, or a duly authorized representative, of the Department of Agriculture will conduct a public hearing with respect to the proposed repeal of and revisions to the rules and regulations relating to the Bovine Tuberculosis Eradication Act.

Pursuant to Section 6.01 of the Civil Administrative Code (Illinois Revised Statutes, Chapter 127, Paragraph 6.01) and Section 18 of the Bovine Tuberculosis Eradication Act (Illinois Revised Statutes, Chapter 8, Paragraph 104), the proposed repeal of and revisions to the rules and regulations relating to the Bovine Tuberculosis Eradication Act will be presented to the Advisory Board of Livestock Commissioners for their consideration and recommendation. The public meeting of the Advisory Board of Livestock Commissioners will run concurrent with the public hearing.

At that time and place, interested persons may appear and orally present their views, comments, data and arguments concerning the proposed repeal of and revisions to the rules and regulations relating to the Bovine Tuberculosis Eradication Act. Any interested person requesting time to make an oral presentation must register at the registration desk prior to the start of the hearing.

Any interested person who is unable to attend the public hearing may submit in writing his or her views, comments, data or arguments concerning the proposed action on the rules and regulations relating to the Bovine Tuberculosis Eradication Act. Written submissions shall be signed by the person making the submission and shall be filed with the Director, Department of Agriculture, Building 30 (Jr. Livestock Building), State Fairgrounds, Springfield, Illinois 62706. No written submission will be considered by the Director unless it is postmarked on or before April 15, 1978, or, if delivered in person, received on or before 10 a.m. on April 20, 1978.

The Director will fully consider all oral and written submissions meeting the requirements of this Notice and of the Department of Agriculture's Rules and Regulations relating to the Administrative Procedures Act.

Illinois Department of Law Enforcement
Notice of Proposed Rulemaking
Rules and Regulations governing Individual's Right
to Access and Review Criminal History Record Information

NOTICE

The Department of Law Enforcement proposes to adopt new rules and regulations entitled, "Rules and Regulations governing Individual's Right to Access and Review Criminal History Record Information," promulgated in accordance with 1975 Illinois Revised Statutes, Chapter 38, Paragraph 206-1, et seq.; Chapter 127, Paragraph 55a, et seq.; and 42 United States Code 3701, et seq.

The purpose of these proposed rules is to provide procedures for persons to access and review criminal history record information which is maintained by the Department of Law Enforcement, and allows them the right to challenge the accuracy of such information as mandated by Title 28, of the Code of Federal Regulations, Section 20.21(g).

TIME, PLACE AND MANNER
IN WHICH ALL PERSONS MAY PRESENT
THEIR VIEWS CONCERNING THE PROPOSED RULES

Interested persons wishing to present their views concerning this intended action may do so by sending written comments to the attention of:

Bureau of Local Assistance
Room 107
Armory Building
Springfield, IL 62706
Telephone: 217/782-5364
ATTN: Mr. R. E. Burwitz

The Department shall consider all written comments received by the Department within 14 to 45 days beginning on the date of publication of this Notice.

The full text of the proposed rules is as follows:

RULES AND REGULATIONS GOVERNING INDIVIDUALS
RIGHT TO ACCESS AND REVIEW
CRIMINAL HISTORY RECORD INFORMATION

RULE I. DEFINITIONS

As used in these rules, the following terms are used as hereinafter defined unless the content requires a different meaning:

The term "United States Department of Justice Rules and Regulations" refers to the Department of Justice Criminal Justice Information Systems Rules and Regulations, 41 F.R., 11713 March 19, 1976.

The term "Act" refers to Title 42 U.S.C. 3771b.

The term "Criminal History Record Information" refers to information collected on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges or proceedings, and disposition arising therefrom, sentencing, correctional supervision, and release.

The term "Criminal History Transcript" refers to the official document used by the Department of Law Enforcement to disseminate Criminal History Record Information.

The term "State Central Repository" refers to the Department of Law Enforcement which is responsible for Criminal History Record Information.

The term "Criminal Justice Information Systems Council" refers to a body created pursuant to Statute or Executive order, whose duties include reviewing appeals concerning Criminal History Record Information.

The term "Reviewing Agency" refers to a law enforcement agency or a correctional facility.

The term "Access and Review" refers to the requestor's right to review a current copy of his/her Criminal History Record Information maintained by the Department of Law Enforcement.

The term "Requestor" refers to an individual who initiates access and review of his/her Criminal History Record Information.

The term "Challenge" refers to the requestor's right to contest his/her Criminal History Record Information or portions thereof, and an opportunity to provide supporting documentation.

The term "Administrative Review" refers to the requestor's right to review of a record challenge by the Department of Law Enforcement.

The term "Administrative Appeal" refers to the requestor's right to a review of the Administrative Review by the Criminal Justice Information Systems Council.

RULE II. APPLICABILITY OF RULES

These rules apply only to Criminal History Record Information collected, stored, and disseminated by the Department of Law Enforcement pursuant to Illinois Revised Statutes, Chapter 38, Section 206-1 et. seq. (1975) and as amended.

RULE III. REVIEWING AGENCIES

- 3.01. Any law enforcement agency or correctional facility in the State of Illinois shall serve as a Reviewing Agency upon demand of the Requestor.
- 3.02. If the Requestor demands access and review of Criminal History Record Information maintained by the Department of Law Enforcement and is not at the time of the demand within the State of Illinois, the Department shall make arrangements with a law enforcement agency or correctional facility to serve as a reviewing agency.
- 3.03. The Reviewing Agency may be changed by the Requestor upon written notification to the original Reviewing Agency and the Department of Law Enforcement. The Department of Law Enforcement shall advise the new Reviewing Agency of the status of the review.
- 3.04. Reviewing Agencies shall make available access and review services between the hours of 8 AM and 4 PM daily, except Saturdays, Sundays, legal holidays, and during emergency conditions.
- 3.05. Reviewing Agencies shall provide necessary personnel and facilities to assist the Requestor in completing forms and assisting in the explanation of Criminal History Record Information and decisions.
- 3.06. Reviewing Agencies may charge a fee not to exceed \$10.00 for processing access and review requests.

RULE IV. LEGAL COUNSEL

The Requestor may be accompanied by his/her legal counsel or conduct any processes of access and review through his/her counsel except as necessary to establish positive identification of the Requestor.

RULE V. FORMS AND PROCEDURES

- 5.01. Access and Review may be initiated at any Reviewing Agency. The Request for Access and Review, Form CJIS-OPER-0105, as provided in Exhibit I, shall be used. The Requestor will be required to be fingerprinted.

- 5.02. The Reviewing Agency shall forward the Request for Access and Review to the Department of Law Enforcement within 7 calendar days from the date the request was completed.
- 5.03. The Department of Law Enforcement shall furnish a Criminal History Transcript or a letter stating the Department of Law Enforcement does not have Criminal History Record Information for the Requestor within 30 days from the date the Department of Law Enforcement received the request.
- 5.04. Upon receipt of the Criminal History Transcript or letter stating the Department of Law Enforcement does not have Criminal History Record Information for the Requestor, the Reviewing Agency shall notify the Requestor within 5 calendar days by means of the Notice of Review, Form CJIS-OPER-0106, specifying the date, time, place of review and name of the reviewing officer.
- 5.05. If the individual cannot be present at the scheduled time, the Requestor shall contact the Reviewing Agency and establish a new review date. If the individual does not acknowledge within 25 days from the date mailed, the review shall be considered complete and copy 1 of the Notice of Review, Form CJIS-OPER-0106, as provided in Exhibit II, shall be labeled "unacknowledged" and shall be immediately returned to the Department of Law Enforcement.
- 5.06. The Reviewing Agency shall inform the Requestor that he has the right to challenge any or all the information contained in his Criminal History Transcript.
- 5.07. If the Requestor is satisfied that the Criminal History Record Information is accurate and complete, the transaction is considered complete.
- 5.08. If the Requestor is not satisfied that the CHRI is accurate, a Record Challenge, Form CJIS-OPER-0107, as provided in Exhibit III, may be submitted to the Department of Law Enforcement by the individual through the Reviewing Agency stating specifically what information is being challenged.
- 5.09. If the Record Challenge is approved, denied or partially approved, the Department of Law Enforcement shall notify the Reviewing Agency within 30 days of receipt of the Record Challenge. If multiple Record Challenges are submitted, the Department of Law Enforcement shall respond 30 days after receipt of the last challenge. If response to the Record Challenge will exceed 30 days, the Department of Law Enforcement will notify the Reviewing Agency in writing of the anticipated delay. The delay shall not exceed 30 days. The Reviewing Agency shall notify the Requestor within 5 calendar days by means of a Notice of Review, Form CJIS-OPER-0106, specifying the date, time, place of review and the name of the reviewing officer.

- 5.10. If the individual cannot be present at the scheduled time, the Requestor shall contact the Reviewing Agency and establish a new review date. If the individual does not acknowledge within 25 days from the date mailed, the Record Challenge shall be considered complete and copy 1 of the Notice of Review, Form CJIS-OPER-0106, labeled "unacknowledged", and shall be promptly returned to the Department of Law Enforcement.
- 5.11. If the Record Challenge is favorable and/or the Requestor is satisfied that the Criminal History Record Information is accurate and complete, the transaction is considered complete.
- 5.12. If the Record Challenge is denied, or partially approved, the Reviewing Agency must then inform the Requestor of his/her right to file an Administrative Review. This Administrative Review, Form CJIS-OPER-0109, may then be submitted by the individual through the Reviewing Agency to the Department of Law Enforcement. Once again the information that is being reviewed must be stated specifically.
- 5.13. The Department of Law Enforcement shall notify the Reviewing Agency within 30 days of the receipt of the Administrative Review, if the Administrative Review is approved, denied, or partially approved. If response to the Administrative Review will exceed 30 days, the Department of Law Enforcement will notify the Reviewing Agency in writing of the anticipated delay. The delay shall not exceed 30 days. The Reviewing Agency shall notify the Requestor within 5 days by means of a Notice of Review, Form CJIS-OPER-0106, specifying the date, time and place of Review and name of the reviewing officer.
- 5.14. If the individual cannot be present at the scheduled time, the Requestor shall contact the Reviewing Agency and establish a new review date. If the individual does not acknowledge within 25 days from the date mailed, the Review shall be considered complete, and copy 1 of the Notice of Review, Form CJIS-OPER-0106, shall be labeled "unacknowledged" and shall be immediately returned to the Department of Law Enforcement.
- 5.15. If the Administrative Review is favorable and/or the Requestor is satisfied that the Criminal History Record Information is accurate and complete, the transaction is considered complete.
- 5.16. If the Administrative Review is denied, the Reviewing Agency must then inform the Requestor of his/her right to file an Administrative Appeal. This Administrative Appeal, Form CJIS-OPER-0108, as provided in Exhibit IV, may then be submitted by the individual through the Reviewing Agency to the Department of Law Enforcement. The information that is being reviewed must be specifically stated.
- 5.17. The Administrative Appeal shall be reviewed by the Criminal Justice Information Council who will advise the Requestor and the Department of Law Enforcement, in writing, of the decision.

5.18. Challenges, Administrative Reviews and Administrative Appeals shall be filed by the Requestor within 60 calendar days from the date the Requestor was notified of the prior decision.

5.19. All Notices of Review shall be sent by certified mail.

Illinois Department of Personnel - Proposed Adoption of Classification and
Rate Schedule

The Illinois Department of Personnel proposes to adopt the rate and classification schedule as utilized in the Illinois Department of Personnel Pay Plan for the position and annual salary ranges of Administrative Physicians as reflected in Part IV Administrative Physician Rates. This will be a new section added to the Pay Plan. The proposed adoption is to be effective March 1, 1978.

This adoption is being proposed pursuant to the Department of Personnel Rules-Pay Plan Rule 1-60, Page 2, by Statutory Authority, Chapter 127, Illinois Revised Statutes 63b108a(2).

Any person who wishes to comment should submit such comments to Michael Murphy, Manager, Division of Compensation and Benefits, Illinois Department of Personnel, 500 William G. Stratton Building, Springfield, Illinois 62706.

The text of the proposed adoption of Classification and Rate Schedule (underlined) is as follows:

PART IV - ADMINISTRATIVE PHYSICIAN RATES

| <u>Step</u> | <u>Lane 1</u> | <u>Lane 2</u> | <u>Lane 3</u> | <u>Lane 4</u> | <u>Lane 5</u> |
|-------------|---------------|---------------|---------------|---------------|---------------|
| 1 | 36,000 | 37,000 | 38,000 | 40,000 | 42,500 |
| 2 | 38,280 | 39,343 | 40,407 | 42,533 | 45,192 |
| 3 | 40,560 | 41,686 | 42,814 | 45,066 | 47,884 |
| 4 | 42,840 | 44,029 | 45,221 | 47,699 | ---- |
| 5 | 45,120 | 46,372 | 47,628 | ---- | ---- |

ILLINOIS REGISTERDEPARTMENT OF REGISTRATION AND EDUCATION

NOTICE of proposed amendment of Rules and Regulations Promulgated for the Administration of the ILLINOIS MEDICAL PRACTICE ACT: Amendment of Rule VIII - TEMPORARY CERTIFICATES OF REGISTRATION.

NOTICE

PLEASE TAKE NOTICE THAT the Department of Registration and Education pursuant to Section 19(4) of the Illinois Medical Practice Act, as amended (Ill.Rev.Stat.1975, Ch. 91, par. 16d (4)) proposes to amend Rule VIII - Temporary Certificate of Registration, of the Rules and Regulations Promulgated for the Administration of the Illinois Medical Practice Act. The proposed amendment will implement the provisions of Public Act 80-630 (Senate Bill 1164 - 80th General Assembly) which amended Section 11a - Temporary Certificate of Registration, of the Illinois Medical Practice Act.

DESCRIPTION OF THE SUBJECT
MATTER INCLUDED

The amendment, if adopted, will change Rule VIII as follows:

1. The current one-year term of a Temporary Certificate of Registration will be changed to a two-year term;
2. The requirement that an applicant for a Temporary Certificate of Registration not have a pending application on file to take the Department examination for a license to practice medicine in all its branches in the State of Illinois will be rescinded;
3. The requirement that an applicant for a Temporary Certificate of Registration not have previously taken and failed an examination as mentioned above also will be rescinded.

TEXT OF PROPOSED AMENDMENT

RULE VIII - TEMPORARY CERTIFICATES OF REGISTRATION

1. Any person not licensed to practice medicine in all of its branches in the State of Illinois who wishes to pursue a program of graduate or specialty or residency training in this State, must be the holder of a Temporary Certificate of Registration issued by the Department under the provisions of Section 11a of the Medical Practice Act of Illinois. ~~and-in-accordance-with-the-provisions of-the-within-Rules-~~

2. Application for a Temporary Certificate must be made on blank forms prepared and furnished by the Department. It must be submitted to the Department together with evidence satisfactory to the Department that applicant meets the requirements of Section 11a of the Illinois Medical Practice Act and that he has been or, if his application is approved, he will be accepted or appointed for graduate or specialty or residency, as the case may be, training in a hospital designated in such application which meets the requirements of Section 11a, 2.

3. A Temporary Certificate of Registration will be issued on behalf of an otherwise qualified applicant only for graduate or residency or specialty training in a hospital or approved program situated in this State which is approved by the Department for the purpose of such training. An approved hospital is one which in the judgment of the Department is qualified to offer such training, and which shall comply with the ~~within~~ Rules.

4. Written notice of the Department's final action on every application for a Temporary Certificate of Registration shall be given to the applicant and the hospital designated therein; when such application is approved the Temporary Certificate of Registration shall be delivered or mailed to the hospital designated therein and shall be kept in the care and custody of such hospital. The applicant shall not commence such graduate or specialty or residency training before he or the hospital receives written notification of approval of his application.

TEXT OF PROPOSED AMENDMENT

5. ~~A Temporary Certificate of Registration shall not be valid for longer than one year after issuance thereof and may be renewed from time to time in the discretion of the Department for a period of not more than one year each time.~~ A Temporary Certificate of Registration shall not be valid for longer than two years and is not renewable except where permissible under Section 11a, paragraph 4 of the Medical Practice Act. Application for extension or renewal where permissible under Section 11a, must shall be made on forms prepared and furnished by the Department and the Temporary Certificate of Registration sought to be extended or renewed must shall be submitted therewith to the Department.

6. When any person in whose behalf a Temporary Certificate of Registration has been issued shall be discharged or shall terminate his graduate, specialty or residency training in the hospital designated therein, any certificate issued in the name of such person shall be null and void as of the date of such discharge or termination. Such hospital shall immediately deliver or mail by registered mail to the Department the Temporary Certificate of Registration and written notice of the reason for return of same.

7. A Temporary Certificate of Registration is not transferable without prior notice to and approval by the Department. If the holder of a Temporary Certificate of Registration wishes to change to another graduate or specialty or residency training program in the approved hospital designated therein, or he wishes to enter such training program in another approved hospital, he must make application on forms furnished by the Department. His current Temporary Certificate of Registration must accompany such application and he cannot thereafter continue in the training program designated on such current Certificate, and he may not commence such other training program until a Temporary Certificate of Registration has been issued, therefor.

8. Not more than one Temporary Certificate of Registration shall be issued to any person for the same period of time. A person on whose behalf a Temporary Certificate of Registration has been issued is limited in the practice

ILLINOIS REGISTER

TEXT OF PROPOSED AMENDMENT

of medicine to the performing of such acts as may be prescribed by and incidental to his program of graduate or specialty or residency training in the hospital designated in his Temporary Certificate of Registration, and he cannot otherwise engage in the practice of medicine in the State of Illinois unless fully licensed in said State.

9. Whenever, under the ~~within~~ Rules, a hospital is required to deliver or return a Temporary Certificate of Registration to the Department, in case, because of loss or destruction of such Certificate, or for any other reason, such hospital shall be unable immediately so to deliver or mail such Certificate, such hospital shall immediately mail or deliver to the Department a written explanation in detail of such inability.

10. ~~The Department shall not accept any application for a Temporary Certificate of Registration on behalf of an applicant who has a pending application on file to take the Department examination for a license to practice medicine in all of its branches in the State of Illinois of an applicant who has previously taken and failed such Department examination.~~

10~~11~~. The holder of a Temporary Certificate of Registration is not barred thereby from becoming eligible for admission to the Department examination for a license to practice medicine in Illinois if he otherwise meets the requirements for admission to such examination and if such person should fail to pass such examination such failure shall not bar him from completing his training program ~~provided that if such person shall leave or terminate his training program after such examination failure paragraph 10, above shall apply and he shall not thereafter be eligible for another Temporary Certificate of Registration.~~

TIME AND MANNER IN WHICH
INTERESTED PERSONS MAY PRESENT
THEIR VIEWS CONCERNING THE
PROPOSED ACTION

Notice is hereby given that all interested persons may submit in writing, data, views, arguments or comments on the proposed amendments. All material submitted will be fully considered. This material must be received within 45 days of the date of this issue of the Illinois Register and should be sent to:

Illinois Medical Examining Committee
Department of Registration and Education
55 East Jackson Boulevard, 17th Floor
Chicago, Illinois 60604

Interested persons may also present their views at a public hearing to be held on Wednesday, April 12, 1978 at 10 A.M. at the above address.

ILLINOIS LAW ENFORCEMENT COMMISSIONPROPOSED ADOPTION OF ILLINOIS LAW ENFORCEMENT
COMMISSION FINANCIAL GUIDELINES

Please take notice that the Illinois Law Enforcement Commission proposes to adopt the ILLINOIS LAW ENFORCEMENT COMMISSION FINANCIAL GUIDELINES - May 1975 as Revised January 1, 1978.

The purpose of these guidelines is to insure that all persons receiving financial assistance from the Illinois Law Enforcement Commission, shall comply fully with all applicable state and federal financial guidelines; and to provide a uniform procedure for the fair and orderly interpretation, implementation, and enforcement of those guidelines.

Statutory Authority: P.A. 80-805

Persons interested in submitting their views on this proposal may submit them in writing to the Illinois Law Enforcement Commission, 120 South Riverside Plaza, Chicago, Illinois 60606, Attention: Sam Buckwalter.

**ILLINOIS LAW ENFORCEMENT COMMISSION
FINANCIAL GUIDELINES**



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Note on References:

References made to Chapters are to those listed above.

References made to the Act are to the Omnibus Crime Control and Safe Streets Act of 1973, PL 93-83.

References made to LEAA Guidelines are to the Guidelines Manual, M7100.1A, Financial Management for Planning and Action Grants.

All other references are specifically identified in the text.

Chapter I/GENERAL REQUIREMENTS

1. Statutory Requirements
2. Grantee Matching Contributions
3. Administrative Policies
4. Audit Coverage

1. Statutory Requirements

- A. Non-Supplanting of State or Local Funds. Federal grant funds are intended to increase the amount of revenue available to State and units of local government for law enforcement activities. Federal grant funds may not be used to supplant State and local funds allocated or budgeted for such law enforcement activities. Every recipient of Federal grant funds must maintain a level of financial support for law enforcement purposes, exclusive of any grant funds and capital expenditures, that is equal to, or greater than, the level existing prior to the receipt of grant funds. Vacancies created by the transfer of personnel to the payroll of ILEC-supported programs must be filled within the same fiscal year as the transfer.
- B. Assumption of Costs. State and units of local government must assume the cost of programs funded by ILEC after a reasonable period of financial assistance from ILEC.
- C. Financial Records. Every recipient of financial assistance from ILEC must maintain:
- (1) Records which fully disclose the total cost of the project for which the grant funds were awarded;
 - (2) Records which fully disclose the disposition of all ILEC funds for the project;
 - (3) Records which fully disclose the amount of money supplied to the project by sources other than ILEC;
 - (4) Any other records requested by ILEC to facilitate an effective audit.

These provisions apply to all recipients of assistance from ILEC. These records must be retained as set forth in Chapter IV, Section 5.

2. Grantee Matching Contributions

- A. Definition. Matching contributions are provided by the grantee, in an amount not less than that required for the ILEC funds requested. The grantee must have the power to commit the funds.
- B. Requirements for State and Units of Local Government. Any funds to be used as a matching contribution must be appropriated in the aggregate, and must be:
- (1) For the expressed purpose of matching ILEC grants. The language in the appropriation ordinance or budget must make reference to one of the following: a) the Illinois Law Enforcement Commission; b) the Law Enforcement Assistance Administration; or c) the Omnibus Crime Control and Safe Streets Act of 1973. An example of such language reads as follows:

"These funds are appropriated for the expressed purpose of meeting a portion of the non-Federal funding of projects funded by the LEAA or by ILEC pursuant to the Omnibus Crime Control Act of 1973";
 - (2) Identified in local agency budgets or appropriations. Such identification requires an earmarking in some document associated with the appropriation or budget process, which by local government law or practice binds local units to use the funds for the purposes of the Act;
 - (3) "New funds." In the case of first-year ILEC funding for a project, "new funds" are defined as those appropriated funds which exceed last year's local support for that type of law enforcement activity.

- C. Requirements for Private and Not-for-Profit Organizations. The cash designated for matching contributions may be donations, contributions, or specific dollars earmarked within their operating budget. This match cannot be project income.
- D. Funding Ratios. Grantees must provide minimum matching contributions on the basis of prescribed formulas specified in the Crime Control Act of 1973. These formulas are as follows:

| Type of Program | Maximum | Minimum | |
|-----------------------------------|--------------------|--------------------------------------|---------|
| | Federal Percentage | Matching Percentages State Buy-in | Grantee |
| Planning - Regions | 100 | -0- | -0- |
| Planning - Regions (optional) | 90 | 5 | 5 |
| Planning - Local Governments | 90 | 5 | 5 |
| Action - Construction | 50 | 25 | 25 |
| Action - Other | 90 | 5 | 5 |
| Discretionary | 90 | -0- | 10 |
| Part E - (Including Construction) | 90 | -0- | 10 |

The above grantee shares are minimum contributions. Grantees are encouraged to, and in cases of step-down continuation funding are required to, provide greater contributions wherever possible to maximize the impact of LEAA and ILEC grant funds.

3. Administrative Policies

A. Conflict of Interest.

- (1) No official or employee of the State, or a unit of local government, or of a non-government grantee shall participate personally through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise in any proceeding, application, request for a ruling or other determination, contract, grant, claim, controversy, or other particular matter in which LEAA funds are used, where to his/her knowledge he/she or his/her immediate family, partners, organization other than a public agency in which he/she is serving as officer, director, trustee, partner, or employee or any person or organization with whom he/she is negotiating or has any arrangement concerning prospective employment, has a financial interest.
- (2) No unit of State or local government or non-government grantee shall employ a former ILEC employee for any purpose directly or indirectly connected with the administration, operation or evaluation of grants funded through ILEC or LEAA without prior written approval of the Executive Director of ILEC.
- (3) In the use of LEAA grant funds, any official or employee of the State, or a local unit of government, or a non-government grantee shall avoid any action which might result in, or create the appearance of:
 - (a) using his/her official position for private gain;
 - (b) giving preferential treatment to any person;
 - (c) losing complete independence or impartiality;
 - (d) making an official decision outside official channels; or
 - (e) affecting adversely the confidence of the public in the integrity of the government or the program.

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B. Grantee Failure to Commence Grant. Grantees must submit a written acceptance of the grant within 30 days of receipt of the award letter; failure to comply will be cause to rescind the grant.

(1) If the project has not commenced within 60 days from the date of award, the grantee must inform ILEC in writing of the steps taken to initiate the project, the reasons for the delay, and the expected starting date. Commencement is defined as formal obligation of funds for grant purposes.

(2) If the project is not operational within 90 days from the date of award, an additional statement detailing the reasons for the delay in implementation must be submitted to ILEC in writing by the grantee. If these reasons are acceptable to ILEC, ILEC may request approval from the LEAA Regional Office to extend the implementation date beyond the 90-day period. If the reasons given are unacceptable, ILEC may cancel the project and redistribute the funds to other project areas. Operational is defined as the initiation of action in accord with the project implementation schedule.

C. Reporting Irregularities. A grantee is responsible for reporting promptly to the Illinois Law Enforcement Commission the nature and circumstances surrounding any financial irregularities discovered. Failure to report known irregularities can result in suspension or other remedial action.

D. Allowability of Costs. The allowability of costs incurred under a grant shall be determined in accordance with principles of allowability and standards for selected cost items set forth in Financial Management Circular 74-4 (See Appendix B and Chapter II).

E. Program Income.

(1) Definition. Program income represents earnings by the grantee realized from the grant-supported activities. Program income includes but is not limited to: interest earned, income from service fees, sale of commodities, usage or rental fees, sale of assets purchased with grant funds, royalties on patents and copyrights, and registration and tuition fees.

(2) Disposition of program income.

(a) Interest income earned with ILEC grant funds must be returned entirely to ILEC.

(b) Proceeds from the sale of real and personal property, either provided by the Federal government or purchased in whole or in part with grant funds, shall be handled in accordance with Chapter VI, "Property Management."

(c) Royalties received from copyrights and patents during the grant period shall be retained by the grantee and, in accordance with the grantee agreement, be either added to the funds already committed to the program or deducted from total project costs for the purpose of determining the net costs on which the Federal share of costs will be based. After termination or completion of the grant, the ILEC share of royalties in excess of \$200 received annually shall be returned to ILEC in the absence of other specific agreements between ILEC and the grantee. The ILEC share of royalties shall be computed on the same ratio basis as the ILEC share of the total grant cost.

(d) All other program income earned during the grant period shall be retained by the grantee, and, in accordance with the grant agreement, shall be:

- (i) added to funds committed to the project by the grantor and grantee and to be used to further eligible program objectives, within the life of the grant; or
 - (ii) deducted from the total project costs for the purpose of determining the net costs on which the ILEC share of costs will be based.
 - (3) Accounting for program income. ILEC requires grantees to account for program income. It can be reported on a cash or accrued income basis. THE PORTION OF INCOME ATTRIBUTABLE TO THE ILEC SHARE MAY NOT BE USED BY THE GRANTEE FOR MATCHING FUNDS.
- F. Waivers from Units of Local Government. Grants to non-local units of government sometimes provide local benefits, and funds allocated to units of local government are sometimes needed for such grants. Federal regulations sometimes require units of local government to waive their interest in funds allocated to them in order that such funds can be awarded to non-local units of government which provide local benefits.
- When Federal funds allocated to local governments are to be awarded to agencies that are not units of local government, waivers must be provided by the local governments. Waivers must:
- (1) be obtained from the local unit or units of government provided with the service of the grants;
 - (2) be signed by the chief executive of the unit;
 - (3) be provided by a unit of local government if it is shown as a "Co-Applicant" on the grant application;
 - (4) be necessary only from the local governments having representatives in a regional planning commission, when a regional planning commission is the applicant for an action grant. A local government standing resolution providing a blanket waiver to the regional commission is permissible;
 - (5) be acceptable from the regional planning commission if it has such authority delegated by local units of government in lieu of waivers from the local government units.
- G. Minutes of Meetings. The proceedings of all Supervisory, Advisory, Ad Hoc, and Executive committees or commissions should be recorded in official minutes and maintained by the grantees. The minutes should be made available to the general public, ILEC staff, and any individuals authorized to audit the grantees.

4. Audit Coverage

- A. Receipts and Expenditures. A thorough financial audit, performed in accordance with generally accepted auditing and LEAA standards, should include inspection of records showing the receipt and expenditure of planning funds at the State and subgrant levels, and the receipt and expenditure of action and discretionary grant funds at the State and subgrant levels.

Audits must include, on a test basis, a sufficient review of the underlying or supporting documentation to enable the audit agency to render an opinion on the allowability and appropriateness of receipts and expenditures.

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B. Additional Review Audit coverage will also include a review of:

- (1) Managerial policy and direction, organizational structure and functional alignment, delegations of authority, and compliance with applicable Federal, State and local government laws and regulations;
- (2) Planning and operational procedures and controls to promote efficiency, to encourage adherence to managerial policies (including Federal, State and local government regulations), and to assure the reliability of data contained in operations/performance reports;
- (3) Technical monitoring and audit of subgrantee organizations to assure that grant and matching funds are properly recorded and controlled, expended for the purposes agreed upon and reported in a complete and reliable manner; and/or
- (4) Custody, utilization and control over non-financial resources such as property, equipment and supplies.

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NOTE: Federal Management Circular 74-4, formerly Bureau of the Budget Circular A-87, is attached in its entirety as Appendix B of these guidelines.

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1. General Requirements from FMC/74-4

To be allowable under a grant program, costs must meet the following general criteria:

- A. Be necessary and reasonable for proper and efficient administration of the grant program, be allocable thereto under these principles, and, except as specifically provided herein, not be a general expense required to carry out the overall responsibilities of State or local governments;
- B. Be authorized by or in conformity with State or local laws or regulations;
- C. Conform to any limitations or exclusions set forth in these guidelines, Federal laws, or other governing limitations as to types or amounts of cost items;
- D. Be consistent with policies, regulations, and procedures that apply to the unit of government of which the grantee is a part;
- E. Be accorded consistent treatment through application of generally accepted accounting principles appropriate to the circumstances;
- F. Not be allocable to or included as a cost of any other Federally financed program in either the current or a prior period;
- G. Be net costs reflecting all discounts, rebates, returns, and sales.

2. Specific Requirements by Budget Category**A. Personnel.**

- (1) Written personnel policies are required and will include work hours to be maintained by employees, vacation and sick leave allowances, payment of accrued vacation at the end of employment, and overtime. The policies should also set forth the employee (fringe) benefits which will be provided to employees and information related to pay increases, promotions, and all other pertinent personnel policies and regulations.
- (2) Amounts charged to subgrants for personnel services must be based on payrolls documented and approved in accordance with the generally accepted practice of the State or local agency. Payrolls must be supported by time and attendance records for individual employees. These records must demonstrate the days and hours worked on the project (See Chapter IV, Section 7).
- (3) Salary payments, consulting fees, or other remuneration for services of Federal employees are not allowable.
- (4) Dual compensation is prohibited.
- (5) The salaries and job titles of individuals charged to the grant must be outlined in an approved grant budget.

B. Equipment.

- (1) Expenditures for equipment must be outlined in the approved grant budget and be necessary to the grant
- (2) The purchase of and disposition of equipment must comply with Chapters V and VI of these guidelines.

- C. Consultants (Professional Services). The requirements of professional services with respect to arrangements with individuals, other government units and non-government organizations as consultants are:

(1) Arrangements with INDIVIDUALS shall insure that:

- (a) As a general rule the maximum daily rate for consultants and specialists will not exceed \$135 per day including fringe benefits. Under unusual circumstances, up to \$200 per day may be paid to individual consultants. Any amounts exceeding \$135 per day must have prior LEAA approval. This rate is based upon an eight-hour day. An eight-hour day may include preparation, evaluation and travel time in addition to the actual performance;
- (b) The individual is not an employee of the executive branch of State government;
- (c) Dual compensation is not involved (i.e., the individual may not receive increased compensation from a second source for the same unit of work done at the same time);
- (d) The compensation is reasonable and consistent with that paid for similar work in other activities of the State or local government;
- (e) The retainer arrangement is formal and proper and otherwise consistent with the grantee's usual practices for obtaining such services;
- (f) Time and/or services for which payment will be made and rates of compensation will be supported by adequate documentation;
- (g) Transportation and subsistence costs for travel performed are at an identified rate no higher than ILEC general travel reimbursement practices.

(2) Arrangements with OTHER GOVERNMENT UNITS shall insure that the work or services for which reimbursement is claimed be directly and exclusively devoted to grant purposes and charged at rates not in excess of actual cost to the "contractor" government agency.

(3) Arrangements with NON-GOVERNMENT ORGANIZATIONS shall insure that:

- (a) The arrangement is formal and proper and consistent with the usual practice and policies of the grantee or subgrantee government in contracting for or otherwise obtaining services of the type required;
- (b) Indirect costs or overhead charges in cost-type arrangements are based on an audited or negotiated rate previously approved by a State or Federal agency or are based on an indirect cost submission, reflecting actual cost experience during the contractor's last annual or other recently completed fiscal period;
- (c) The fixed fee or profit allowance in cost-type arrangements does not exceed 10 percent of total estimated costs.

(4) A grantee should not circumvent the requirements of (1) and (3), by contracting for a fixed product which would not be subject to the professional services fee limitation. This is particularly significant in contracting for the services of individuals.

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- (5) If any of the requirements outlined in (1), (2) and (3), are not met, prior approval must be obtained from LEAA.
- (6) The head of the Federal grantor agency and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the State and local governments and their subgrantees which are pertinent to a specific grant program for the purpose of making audit examination, excerpts and transcripts.

D. Other Contractual. Other contractual costs may include the costs of utilities, equipment rentals, evaluation and facility costs. These are considered as other contractual in that they generally are incurred as a result of an agreement, letter of intent, contract or lease.

(1) Facility costs and equipment use costs:

- (a) Grantees may be compensated for the use of buildings, capital improvements, and equipment through use allowances or depreciation. Use allowances are the means of providing compensation in lieu of depreciation or other equivalent costs. However, a combination of the two methods may not be used in connection with a single class of fixed assets;
- (b) The computation of depreciation or use allowance will be based on acquisition cost. Where actual cost records have not been maintained, a reasonable estimate of the original acquisition cost may be used in the computation. The computation will exclude the cost or any portion of the cost of buildings and equipment donated or borne directly or indirectly by the Federal government through charges to Federal grant programs or otherwise, irrespective of where title was originally vested or where it presently resides. In addition, the computation will also exclude the cost of land. Depreciation or a use allowance on idle or excess facilities is not allowable, except when specifically authorized by the grantor Federal agency;
- (c) Where the depreciation method is followed, adequate property records must be maintained, and any generally accepted method of computing depreciation may be used. However, the method of computing depreciation must be consistently applied for any specific asset or class of assets for all affected Federally sponsored programs and must result in equitable charges considering the extent of the use of the assets for the benefit of such programs;
- (d) In lieu of depreciation, a use allowance for buildings and improvements may be computed at an annual rate not exceeding two percent of acquisition cost. The use allowance for equipment (excluding items properly capitalized as building costs) will be computed at an annual rate not exceeding six and two-thirds percent of acquisition cost of usable equipment;
- (e) No depreciation or use charge may be allowed on any assets that would be considered as fully depreciated; provided, however, that reasonable use charges may be negotiated for any such assets if warranted after taking into consideration the cost of the facility or item involved, the estimated useful life remaining at time of negotiation, the effect of any increased maintenance charges or decreased efficiency due to age, and any other factors pertinent to the use of the facility or item for the purpose contemplated;

- (f) Building space and related facilities. With the approval of ILEC, the cost of space in privately or publicly owned buildings used for the benefit of the grant program is allowable, subject to these conditions:

The total cost of space, whether in a privately or publicly owned building, may not exceed the rental cost of comparable space and facilities in a privately owned building in the same locality.

The cost of space procured for grant program use may not be charged to the program for periods of non-occupancy, without authorization of the grantor Federal agency;

- (g) Prior approval is not required where:

The total rental space requirement, including spaces for file, conference, mail, supply, reproduction, and storage room, is not in excess of 150 square feet per employee (space required for intermittent and/or part-time employees may be included);

The rental charge is certified in writing by the grantee or subgrantee (document on file with grant fiscal records) to be consistent with the prevailing rates in the area and not in excess of \$7 annually per square foot;

- (h) Maintenance and operation. Prior approval is not required where maintenance and operation expenses as defined in FMC 74-4, when added to any space rental costs, are estimated not to exceed an aggregate total of \$10 annually per square foot of space occupied.

- (2) All other guidelines as contained in Chapter II, Paragraph 2C above will apply to other contractual costs where appropriate.

E. Travel.

- (1) Travel costs are allowable for expenses for transportation, lodging, subsistence, and related items incurred by employees who are on official business incident to a grant program. Such costs may be charged on an actual basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip, and results in charges consistent with those normally allowed in like circumstances in non-Federally sponsored activities. The difference in cost between first-class air accommodations and less-than-first class air accommodations is unallowable except when less-than-first-class air accommodations are not reasonably available. Meals may not be claimed if travel is within the employee's headquarters city.

Foreign travel. Foreign travel is defined as any travel outside of Canada and the United States and its territories and possessions. Foreign travel costs are allowed only when:

- (a) The travel has received specific prior approval by LEAA;
- (b) Each separate foreign trip has been specifically approved by LEAA.
- (2) Expenses between employee residence and headquarters are not allowable charges to a grant.
- (3) Travel costs must be supported by travel vouchers which contain dates, places and

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purposes of travel. Motel or hotel bills, and train or airplane ticket receipts must support these charges. Travel in agency-owned autos must be supported by a mileage log (See Chapter IV, Section 7).

(4) Travel rates allowed by ILEC are as follows:

| | Effective as of 1/1/74 |
|--------------------|------------------------|
| a. Mileage: | 12¢ |
| b. Lodging: | |
| Chicago Area | \$13.00 |
| Other than Chicago | 15.00 |
| Out of State | 28.00 |
| c. Meals | |
| Breakfast | 1.75 |
| Lunch | 2.25 |
| Dinner | 6.00 |
| Per Diem | 12.00* |

*If overnight and exceeds 18 hours

(5) Special travel: Training programs. All out of State training (as of September 24, 1971) costs must conform to ILEC Resolution 298:

WHEREAS, the Illinois Law Enforcement Commission strongly encourages the use of in-state training programs for criminal justice personnel, it nonetheless recognizes the merits of certain out-of-state training programs which are not available within Illinois; therefore,

RESOLVED, that the Illinois Law Enforcement Commission policy for funding out-of-state training programs for criminal justice personnel shall be as follows:

1. ILEC monies may be allocated for up to 50 percent of the costs of tuition, room and board, course materials and transportation. Salaries of personnel attending may not be used as a match and may not be reimbursed from ILEC funds.
2. Travel and living expenses must conform to the State of Illinois travel regulations as set forth by the Department of Finance.
3. There must be a maintenance of prior effort on the part of the applicant. ILEC monies may not be used to supplant funds normally expended by the applicant to send personnel to out-of-state training programs.
4. ILEC funds may be used for out-of-state training programs only when comparable programs do not exist within Illinois. It is the responsibility of the applicant to establish the fact that comparable training is not available in Illinois.
5. This resolution applies to grants subsequent to September 24, 1971.

F. Commodities. Commodities include office supplies and materials. The cost of materials and supplies necessary to carry out the grant program is allowable. Purchases made specifically for the grant program should be charged thereto at their actual prices after deducting all cash discounts, trade discounts, rebates, and allowances received by the grantee. Withdrawals from general stores or stockrooms should be charged at cost under any recognized method of pricing consistently applied. Incoming transportation charges are a proper part of material cost.

All purchases of commodities must be supported by purchase orders, invoices or cancelled checks with vouchers supporting the amounts.

G. Other Costs and Indirect Costs.

(1) Other costs.

- (a) Conferences, lunches or dinners must show the number of persons attending, with names (if practical) and cost of each meal, and purpose of conference. Lunches are limited to \$2.25 per lunch and dinners are limited to \$6.00 per dinner.
- (b) Confidential expenditures. Prior approval by LEAA is required for the use by grantees of Part C action funds for confidential expenditures. Confidential expenditures would be payment to informants, purchase of materials as evidence (such as narcotics), or other uses as may be required by law enforcement personnel working in an undercover capacity.

Confidential expenditures will be considered in grants to State law enforcement agencies and law enforcement agencies serving counties and cities with populations in excess of 50,000 on submission of special information, procedures, and assurances established by LEAA for proper accounting and administration of this cost item.

A special condition must be applied to all grants involving the expenditure of confidential funds. This condition should state:

"Prior to the expenditure of the \$ _____ allocated for confidential funds, the project director shall sign a certification indicating that he/she has read, understands and agrees to abide by all of the conditions pertaining to confidential fund expenditures as set forth in Guideline Manual M 7100. 1A, Financial Management for Planning and Action Grants."

Certification for Confidential Funds. A signed certification is required by LEAA from all project directors of grants involving the disbursement of monies for confidential expenditures from Part C action or matching funds.

The signed certification should be returned to the cognizant LEAA Regional or Central Office to be placed in the official grant file.

Those confidential expenditures, and other funds that are seized and revert to a State or local unit of government as a result of grants which use confidential expenditures, other than informant fees, shall be deemed program income pursuant to Federal Management Circular 74-7, Attachment E, paragraph 7, up to the total amount of such confidential expenditures used under such grant. This income will be returned to the State Planning Agency and used to support other projects under the appropriate program.

- (2) Indirect costs. As a general policy, the Illinois Law Enforcement Commission shall not allow ILEC grant funds for the indirect costs of a grant application in the awarding of any grants. The intent of this policy is to achieve broader and more concentrated application of Federal and State funds to direct crime control activities.

In exceptional cases, supported by appropriate presentation of facts, ILEC may, at the Commission's discretion, grant funds for indirect costs up to 10% of a grant's direct labor costs or 5% of a grant's total project costs, whichever is greater, consistent with the applicable guidelines of LEAA.
(ILEC Resolution 243C)

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3. Special Considerations

- A. Compensation of Federal Employees. Salary payments, consulting fees or other remuneration of full-time Federal employees are unallowable costs under Title I planning and action grants.
- B. Travel of Federal Employees. Costs of transportation, lodging, subsistence, and related travel expenses of LEAA employees are unallowable charges against Title I planning and action grants. Travel expenses of other Federal employees may be reimbursed from grant funds when the services of such employees for advisory committees or other program or project duties or assistance have been:
- (1) Approved by the Federal employee's department or agency; and
 - (2) Included as an identifiable item in the funds budgeted for the project or subsequently submitted for grantor approval (LEAA for State Planning Agencies or State Planning Agencies for sub-grantees).
- C. Divided Compensation. Salaries and wages of employees chargeable to more than one grant program will be supported by appropriate time distribution records. The method used should produce an equitable distribution of time and effort.
- D. Bonuses or Commissions. The grantee or subgrantee is prohibited from paying any bonus or commission to any individual for the purpose of obtaining approval of an application for LEAA assistance.

4. Unallowable Costs

- A. Bad Debts. Any losses arising from uncollectible accounts and other claims, and related costs.
- B. Contingencies. Contributions to a contingency reserve or any similar provision for unforeseen events.
- C. Contributions and Donations.
- D. Entertainment. Costs of amusements, social activities, and incidental costs relating thereto, such as meals, beverages, lodgings, rentals, transportation, and gratuities. Charges for alcoholic beverages are unallowable costs.
- E. Fines and Penalties. Costs resulting from violations of, or failure to comply with, Federal, State and local laws and regulations.
- F. Governor's Expenses. The salaries and expenses of the Office of the Governor of a State or the chief executive of a political subdivision are considered a cost of general State or local government and are unallowable.
- G. Interest and Other Financial Costs. Interest on borrowings (however represented), bond discounts, cost of financing and refinancing operations, and legal and professional fees paid in connection therewith, are unallowable.
- H. Underrecovery of Costs under Grant Agreements. Any excess of cost over the Federal contribution under one grant agreement is unallowable under other grant agreements. Overexpenditure on one grant is not recoverable from another grant.
- I. Land Purchases. Federal funds may not be used for the purpose of land acquisition. Land purchased by the grantee may be used as match if purchased in the fiscal year when a construction grant is awarded.

- K. Inappropriate Expenditures. Expenditures not appropriate for carrying out the grant purpose, or unreasonable as to cost benefits derived shall be disallowed.
- L. Purchase of Grantee Owned Equipment. Grant funds may not be used to provide reimbursement for the purchase price of equipment already owned by the grantee unless specifically approved by ILEC.
- M. Pre-Award Costs. Costs incurred after grant termination or prior to grant award are not allowable unless appropriate grant extensions or preaward agreements have been approved by ILEC.

5. Costs Requiring Prior ILEC or LEAA Approval

- A. Purchase or Lease of Automatic Data Processing Equipment;
- B. Office Space or Other Space Rental where Rent Is in Excess of \$7 per Square Foot;
- C. Remodeling or Alterations to Real Property in Excess of \$1,500;
- D. Purchase of Equipment with a Unit Cost in Excess of \$5,000;
- E. Management Studies to Improve Grant Effectiveness and Efficiency;
- F. Preagreement Costs or Costs Incurred Prior to Award Date;
- G. Confidential Expenditures;
- H. Indirect Cost Plans;
- I. Foreign Travel, Defined as Travel outside the United States or its Possessions and Canada;
- J. Medical Research;
- K. Sole Source Purchases, the Aggregate of which is Expected to Exceed \$1,500;
- L. Fixed Fee Contracts in Excess of \$1,500;
- M. Consultant Fees in Excess of \$135/Day

All requests for prior approval must be made to ILEC. The applicant will be informed by ILEC if any additional steps are necessary to secure approval. ILEC will notify the applicant in writing of all approvals or denials.

CHAPTER II/16

Chapter III/FISCAL PROCEDURES

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18 CHAPTER III

1. **Grant Award and Conditions.** The grantee should compare the grant award document and conditions of award with the program described in the grant application. Occasionally, ILEC will condition the award to conform to Federal or State guidelines or to address any substantive deficiencies in the grant application. The grantee should also review the grant application and note the conditions agreed to by signing that document.

A. Grant Award. The grant award document shall contain the following information:

- (1) Grant number
- (2) ILEC funds awarded
- (3) Grantee name
- (4) Grant period (term of award)
- (5) Source of funding
- (6) Total grant budget (ILEC share & matching contribution)

B. Grant Conditions. Essentially these conditions fall into two categories: general conditions and "fund flow" conditions.

- (1) General conditions reflect or amplify certain requirements and commitments that the grantee shall abide by during the period of the grant (i.e., ILEC evaluation efforts or formal bidding requirements).
- (2) Fund flow conditions address deficiencies in the grant application or project that must be corrected prior to the disbursement of ILEC grant funds (i.e., prior to the release of funds the grantee shall submit a revised budget). These conditions should be satisfied on a priority basis to preclude inordinate delay in implementation and reimbursement of the grant. The grantee shall be notified when these conditions have been satisfied.

2. Fund Disbursements

A. Cash Advances. Grantees shall normally be reimbursed for expenses incurred upon submission of the ILEC Fiscal Report. ILEC recognizes that in some instances the grantee may not possess sufficient resources to support the grant project on a reimbursable basis and that individual projects may require substantial start-up costs. Consequently, grantees may request a cash advance to cover the initial period of the grant up to thirty days. Such requests must be in writing and should include the purpose of the proposed expenditure and the reasons necessitating the advance.

B. Expenditure Reimbursements. Disbursement of ILEC grant funds shall be made on the basis of expenses and obligations reported on the ILEC Fiscal Report. Obligations reported on the Fiscal Report will be disbursed only if the payment is to be liquidated in the next thirty days. This report shall be submitted as follows:

- (1) Grants in excess of \$100,000 (total grant budget) - monthly on the 15th day of the succeeding month;
- (2) Grants less than \$100,000 (total grant budget) - quarterly on the 15th day after the close of the first full calendar quarter of the grant period.

C. Timing of Disbursement. Grantees should anticipate a delay of approximately one month from the submission of the request for disbursement (Fiscal Report or advance) until the

receipt of the State warrant. The grantee should understand that the frequency for report submission outlined above represents minimum requirements and more frequent submissions may be dictated by unusual grant expenses.

- D. Amount of Disbursement. Disbursement of ILEC funds shall be made on the basis of the percentage of ILEC support of the total grant cost. For example, if ILEC funds awarded represent 95% of the total grant costs, then each disbursement will be made in the amount of 95% of the reported costs.
- E. Final Disbursement. The final disbursement of ILEC funds shall be made on the basis of expenditures reported on the final Fiscal Report. This disbursement shall be made on the basis of total grant costs and, consequently, shall not be made until the grantee has satisfied the match requirements of the grant. Should the grantee fail to meet the match required in the grant award, an appropriate adjustment shall be made in the final disbursement.
3. **Cash Balances.** Federal regulations require that grantees request only the minimum amounts of cash necessary to pay their bills in a timely fashion. ILEC reserves the prerogative to adjust cash requests on the basis of grantee reported expenditures and cash balance. If the grantee anticipates an inordinate expenditure of grant funds during a grant period, this expense should be explained on the Fiscal Report.
4. **ILEC Fiscal Report.** As the recipient of federal grant funds, ILEC is required to report to LEAA on the drawdown, expenditure and disbursement of funds. Grantee Fiscal Reports are an essential element of these reports. Further, the Fiscal Report serves as the basis for the following:

Disbursement of funds to grantees
Monitoring of grant
Problem identification and resolution.

Because the Fiscal Report is a vital line of communication between the individual grantee and ILEC, and because it serves as the basis for aggregate reporting to Federal and State agencies, compliance with the reporting requirements is mandatory. Reports indicating no activity during the reporting period are obviously equal in importance to reports of activity. To insure the timely submission of the Fiscal Report the following procedures were adopted on January 1, 1974:

- A. Those grantees not submitting Fiscal Reports will be mailed a late notice and will have 30 days to respond. If no response is received to the first late notice, a second late notice will be mailed and will state that unless a Fiscal Report is received within 15 days, the grant will be suspended;
- B. Should no response be received to the second late notice, a registered letter will be sent to the project director and the responsible authorized official notifying them of the grant suspension. In order to activate a suspended grant, a written response will be required of the grantee to include explanation of deficient reporting, corrective action to be taken, and a current Fiscal Report. Those grantees who frequently submit late reports or incorrect reports may also have their grant suspended;
- C. If the action required to activate a suspended grant is not taken within 45 days, then appropriate measures will be taken to terminate the grant.
5. **Budget Deviations.** The approved grant budget is a financial representation of the scope of the work the grantee proposes to accomplish during the grant period. Significant deviations from this budget may affect the nature of the original proposal and, consequently, ILEC approval is required when these deviations exceed the following limits:

10. CHAPTER III

- A. When the expected expenditures in any budget category are greater than 10% of the grant award and exceed \$1,000;
- B. When there is a significant change in the nature of the expense or items to be purchased;
- C. When the item to be procured falls within the category of those expenses which require ILEC or LEAA approval, as outlined in Chapter II of these guidelines.

Requests for approval of budget deviations must be in writing and include a revised grant budget and revised budget narrative. The grantee should not act on these changes until formal written approval is received from ILEC. Upon receipt of such approval from ILEC, the grantee should amend subsequent Fiscal Reports to reflect the change.

- 6. **Extension of the Grant Period.** During the period of the grant, circumstances may occur which dictate that the termination date of the grant be extended. The grantee may request an extension of the grant period. Such requests should be made no later than 30 days prior to the expiration of the original grant period and shall include, as a minimum, the following:
 - A. A narrative outlining the reasons why an extension is necessary (i.e., late delivery by vendors, delay in staff recruitment); and
 - B. A revised budget and budget narrative.

The grantee shall receive written approval or denial of all requests for grant extensions. Obligations and expenditures beyond the latest approved grant period shall not be made until resolution of the grantee's request is received from ILEC.

- 7. **Grant Closeout.** The grantee shall be notified when the fiscal requirements of the grant have been satisfied. This notification does not relieve the grantee of the three years' retention of records requirement, nor does it preclude further return of grant funds as a result of subsequent audit disallowances. The purpose of this notification is to inform the grantee that no further financial activity shall occur on this grant until final audit.

Chapter IV/ACCOUNTING SYSTEMS

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22 / CHAPTER IV

1. General Comments

- A. This chapter identifies minimum accounting requirements for grant awards under Title I of the Act. Compliance with these requirements will assure that ILEC and its grantees can meet the financial reporting requirements of the Act and prepare internal fiscal reports to satisfy program information needs. An account structure adequate to meet the demands of the Act and grantee fiscal responsibilities must be developed and used. These requirements apply equally to grantees and contractors of grantees.
- B. The grantee's grant accounting system must provide effective financial controls. Grantees should recognize that audits of grants will be made and unless commonly accepted standards of financial responsibility have been followed, these audits may result in the disallowance of expenditures for which the grantee may be liable.
- C. Each grantee is required to maintain, or cause to be maintained, all records (including source documentation) relating to grant programs undertaken as evidence of costs incurred. It is the responsibility of the grantee to assure that:
 - (1) an accounting system is in effect which conforms to generally accepted accounting principles and which fully discloses:
 - (a) the amount and disposition of the ILEC grant funds;
 - (b) the amount and disposition of the matching contributions;
 - (c) such other records as will facilitate an effective audit.
 - (2) procedures are established and supporting documentation is developed to substantiate allowable costs.

2. Accounting System Standards

- A. The financial responsibility of grantees and their contractors is the same as that of the Law Enforcement Assistance Administration and the Illinois Law Enforcement Commission. Each must govern its affairs so that it may properly discharge the public trust which accompanies the authority to expend public funds. Adequate accounting systems for each grant program should meet the following criteria:
 - (1) Accounting records should provide the information needed to identify separately the receipt of Federal, State, hard match, and other matching funds such as private foundation funds;
 - (2) Entries in accounting records should refer to subsidiary records and/or documentation which support the entry and which can be readily located;
 - (3) The accounting system should provide accurate and current financial information;
 - (4) The accounting system should have an adequate system of internal controls to safeguard the funds and assets covered, check the accuracy and reliability of accounting information, promote operational efficiency, and encourage adherence to prescribed management policies.
- B. In addition to the control and documentation of financial activities, the financial system can be an important instrument for managerial decision. Proper use of financial information will assist in determining what activities merit priority or emphasis, where efficiency can be improved, and how resources can best be used.

C. The objectives of the grant program accounting system are:

- (1) to provide the grantee with financial information to assist in the planning, control, measurement, and evaluation required for the efficient and economical operation of the organization and the grant program;
- (2) to provide management control of funds and other assets so as to insure that the expenditure of funds and use of other property is in compliance with applicable laws and regulations;
- (3) to insure, by use of cost and property control records and prudent management, that optimal use is made of all resources;
- (4) to meet standards for reporting periodically on financial operations; and
- (5) to classify current and projected costs as required for budgeting purposes.

3. Elements of Accounting Systems

- A. General. Accounting systems involve a series of operations relating to the classifying, recording, summarizing, and reporting of transactions performed. The elements of the system should consist of an account structure, the accounting records, source documents, financial reports, and the procedures that prescribe the manner in which these operations are performed.
- B. Grant Project Accounts. Grant project accounts will be maintained in conformity with the category and subcategory detail shown in the detailed budget submitted with the approved grant application. The grantee may make allotments and account expenditures in further subcategory detail if it so desires. A grant project account will be maintained for each such allotment.
- Grant projects expenditures will be recorded in formal grant project accounts. The record of expenditures may be maintained in the agency's regular accounts if grant program expenditures are clearly identified therein and memorandum records are maintained which separately identify grant expenditures. This material will be examined in the audit of the grant project expenditures.
- C. Recording of Receipts and Expenditures. Accounting procedures must provide for an accurate and timely recording of receipt of funds by source, of expenditures made from such funds, and of unexpended balances. Controls must be set up to ensure that expenditures charged to grant activities are for allowable purposes and that documentation is readily available to verify that such charges are accurate.
- D. Intermediate Records. Intermediate or secondary records such as ledger cards, weekly or monthly cost summaries, cost analysis reports, letters of justification, or technical cost appraisals are not supporting records and cannot be used without the supporting records. For purposes of audit, expenditures will be supported by both the supporting records and intermediate records.
- E. Supporting Records (Documentation). Supporting records are the original or source records and documents which evidence expenditures made and which underlie the accounting transactions. Daily time records and payroll records evidencing labor costs, invoices for purchases of capital equipment and supplies or services, computations which show the method used in allocating indirect costs, authorizations to perform or discontinue work, change orders to the scope of the work, and similar documents and records serve as supporting records.

F. Separation of Duties.

- (1) While it is recognized that many grantees have limited staffs, sound internal control requires a certain minimum separation of financial duties. Therefore, no one individual may control all of the following activities:
 - (a) Authorization to initiate expenses, purchase orders, etc.;
 - (b) Approving vouchers for payment;
 - (c) Signing checks;
 - (d) Recording transactions in books of account;
 - (e) Responsibility for physical custody of vouchers, payroll records, cancelled checks, and books of account.
- (2) All grantees are required to establish a pre-voucher review in order to assure proper payment of funds. The person who signs the checks must assure himself/herself by review of the accompanying voucher, time sheet or any other reasonable means, that payment is correct. The person who initials and/or approves a voucher for payment may not be the sole signer of the check paying for those goods nor may he/she be delegated the entire pre-voucher review responsibility. Financial officers have the responsibility and authority to disallow payment of expenditures made contrary to the requirements of these guidelines, including FMC 74-4, and contrary to the requirements of the grantee agency.
- (3) Therefore, financial activities should be separated into the following three functions and each should be performed by a different individual:
 - (a) Initiating expense and approving payment;
 - (b) Disbursing funds or signing checks;
 - (c) Recording transactions into books of account.

4. **Maintenance of Financial Records.** Grantees are expected to insure that records of individual Federal grants and grant years are separately maintained and that the information required can be readily located. Grantees are also obliged to protect records adequately against fire or other damage. When records are stored away from the grantee's principal office, a written index of the location of records stored should be on hand and readily accessible. Such records should be maintained in an orderly manner and must be available for audit purposes.

5. **Retention of Records**

- A. Financial records of the grantee and its contractors, including books of original entry, source documents, the general ledger, subsidiary ledgers, personnel and payroll records, cancelled checks, and related documents and records must be retained for a period of three years. The retention period starts from the date of the submission of the final expenditure report or ending date of the grant period, whichever is later. The three-year retention period is qualified as follows:

- (1) Records for non-expendable property acquired with project funds shall be retained for three years after final disposition of that property;
- (2) Records must be retained beyond the three-year period if an audit is in progress and/or the findings of a completed audit have not been resolved satisfactorily. If an

audit is completed and the findings are resolved prior to the three-year period, records will still be retained until the end of that three-year period;

- (3) The Law Enforcement Assistance Administration may request transfer of certain records to its custody from State and local governments when it determines, in conjunction with ILEC, that the records possess long-term retention value.

B. Program records of the grantee and its contractors must be retained for a period of three years. Program records are all records other than financial. The retention period starts from the date of the submission of the final expenditure report or ending date of the grant period, whichever is later. The three-year retention period is qualified as follows:

- (1) Records must be retained beyond the three-year period if an audit is in progress and/or the findings of a completed audit have not been resolved satisfactorily. If an audit is completed and the findings are resolved prior to the three-year period, records will still be retained until the end of that three-year period;
- (2) The Law Enforcement Assistance Administration may request transfer of certain records to its custody from State and local governments when it determines, in conjunction with ILEC, that the records possess long-term retention value.

6. Lapse and Deobligation Date of Grant Funds. All grant funds must be expended or obligated as of the grant termination date. The ILEC funds which are not expended or obligated as of the grant termination date lapse and revert to ILEC. Grant funds which have been obligated as of the grant termination date must be liquidated (expended) within 90 days of the grant termination date. ILEC funds which are not liquidated at the end of the 90-day period will lapse and revert to ILEC.

7. Sample Records

- A. Introduction. The following is a sample set of records which would meet the minimum requirements for recording ILEC grant transactions. Those requirements are that the accounting records adequately identify the receipt and expenditure of funds for each grant, refer to subsidiary records and/or documentation which support the entry, and provide accurate and current financial reporting information.

The minimum requirements can be met by using a combined cash receipts and cash disbursements journal. The journal can be a book of original entry, if the grantee is funded only from grant funds, or be a memorandum record of grant project expenditures where the subgrantee accounting system does not allow for separate identification of grant and matching expenditures.

In addition to the records which satisfy the minimum requirements, there follows a sample set of records which expands the accounting system and which could be used to provide management with improved budget and fiscal control. Also included are sample forms of source documents necessary to support expenditures.

The purpose of the record system is to provide control and information to the grantee in preparing Fiscal Reports to be submitted to ILEC, and to provide an instrument for managerial decision.

B. Minimum Requirements

Cash Receipts and Disbursements Grant No. 1234

| | | | 1 | 2 | 3 | 4 | 5 |
|----|--------------|---|-----------------------|-------------------------|------------------|-------------------|-----------|
| | Date 1975 | Payee | Receipt or Check # | Invoice or Voucher # | Cash Receipts | Cash Disbursed | Personnel |
| 1 | 1/13 | ILEC | 1 | | 6000 00 | | |
| 2 | 1/15 | A. Adams | 101 | T&A 1-15 | | 250 00 | 250 00 |
| 3 | 1/15 | B. Burt | 102 | T&A 1-15 | | 175 00 | 175 00 |
| 4 | 1/15 | C. Chester | 103 | T&A 1-15 | | 200 00 | 200 00 |
| 5 | 1/16 | Acme Office Equip. | 104 | 216792 | | 1750 00 | |
| 6 | 1/20 | Horder's Office Supply | 105 | 4093 | | 25 00 | |
| 7 | 1/20 | A. Adams | 106 | A-1 | | 60 00 | |
| 8 | 1/20 | B. County | 2 | | 2000 00 | | |
| 9 | 1/31 | A. Adams | 107 | T&A 16-31 | | 250 00 | 250 00 |
| 10 | 1/31 | B. Burt | 108 | T&A 16-31 | | 175 00 | 175 00 |
| 11 | 1/31 | C. Chester | 109 | T&A 16-31 | | 200 00 | 200 00 |
| 12 | | Totals January | | | 8000 00 | 3085 00 | 1250 00 |
| 13 | | | | | | | |
| 14 | | | | | | | |
| 15 | 2/1 | Bates Realty | 110 | Agreement | | 125 00 | |
| 16 | 2/6 | J. Doe | 111 | Inv. 1 | | 135 00 | |
| 17 | 2/15 | A. Adams | 112 | T&A 1-15 | | 250 00 | 250 00 |
| 18 | 2/15 | B. Burt | 113 | T&A 1-15 | | 175 00 | 175 00 |
| 19 | 2/15 | C. Chester | 114 | T&A 1-15 | | 200 00 | 200 00 |
| 20 | 2/15 | City Nat'l Bank | 115 | IRS501 | | 125 00 | 125 00 |
| 21 | 2/15 | Ill. Dept. of Revenue | 116 | IL501 | | 50 00 | 50 00 |
| 22 | 2/16 | Ill. Bell Tel. | 117 | 8761000 | | 85 00 | |
| 23 | 2/18 | ILEC | 3 | | 1000 00 | | |
| 24 | 2/19 | J. Smith | | Donated Equipment | 50 00 | 50 00 | |
| 25 | | Totals February | | | 1050 00 | 1195 00 | 800 00 |
| 26 | | | | | | | |
| 27 | | Totals Year to Date | | | 9050 00 | 4280 00 | 2050 00 |
| 28 | | | | | | | |
| 29 | | | | | | | |
| 30 | | | | | | | |
| 31 | | | | | | | |
| 32 | | | | | | | |
| 33 | | | | | | | |
| 34 | | | | | | | |
| 35 | | Additional payroll records are necessary to satisfy the requirements of | | | | | |
| 36 | | the Internal Revenue Service and the Illinois Department of Labor. | | | | | |
| 37 | | | | | | | |
| 38 | | This summary would meet the minimum financial transaction requirements | | | | | |
| 39 | | for ILEC grants. | | | | | |
| 40 | | | | | | | |
| 41 | | | | | | | |
| 42 | | | | | | | |

| 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | |
|-----------|-------------|-------------------|--------|-------------|--------------|-------------|----------------|----|
| Equipment | Consultants | Other Contractual | Travel | Commodities | Construction | Other Costs | Indirect Costs | |
| | | | | | | | | 1 |
| | | | | | | | | 2 |
| | | | | | | | | 3 |
| | | | | | | | | 4 |
| 1750 00 | | | | | | | | 5 |
| | | | | 25 00 | | | | 6 |
| | | | 60 00 | | | | | 7 |
| | | | | | | | | 8 |
| | | | | | | | | 9 |
| | | | | | | | | 10 |
| | | | | | | | | 11 |
| 1750 00 | | | 60 00 | 25 00 | | | | 12 |
| | | | | | | | | 13 |
| | | | | | | | | 14 |
| | | 125 00 | | | | | | 15 |
| | 135 00 | | | | | | | 16 |
| | | | | | | | | 17 |
| | | | | | | | | 18 |
| | | | | | | | | 19 |
| | | | | | | | | 20 |
| | | | | | | | | 21 |
| | | 85 00 | | | | | | 22 |
| | | | | | | | | 23 |
| 50 00 | | | | | | | | 24 |
| 50 00 | 135 00 | 210 00 | | | | | | 25 |
| | | | | | | | | 26 |
| 1800 00 | 135 00 | 210 00 | 60 00 | 25 00 | | | | 27 |
| | | | | | | | | 28 |
| | | | | | | | | 29 |
| | | | | | | | | 30 |
| | | | | | | | | 31 |
| | | | | | | | | 32 |
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| | | | | | | | | 36 |
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| | | | | | | | | 38 |
| | | | | | | | | 39 |
| | | | | | | | | 40 |
| | | | | | | | | 41 |
| | | | | | | | | 42 |

C. Expanded System.

(1) Chart of Accounts.

Primary

- 10 Assets
- 11 Cash-in-Bank
- 12 Petty Cash
- 14 Equipment (Memo Account)
- 20 Liabilities
- 21 Accounts Payable
- 22 FICA Taxes Payable
- 23 Federal Withholding Taxes Payable
- 24 Illinois Withholding Taxes Payable
- 30 Fund Balance
- 40 Revenues
- 50 Expenditures
- 51 Personnel
- 52 Equipment
- 53 Consultants
- 54 Other Contractual
- 55 Travel
- 56 Commodities
- 57 Construction
- 58 Other Costs

Secondary

- 11 1 1st National Bank
- 11 2 Continental Bank
- 12 1 W. Penn
- 12 2 R. Hill
- 14 1 Office
- 14 2 Automotive
- 14 3 Other
- 40 1 ILEC
- 40 2 City A
- 40 3 City B
- 40 4 Interest Earned
- 40 5 Service Fees
- 40 6 In-Kind-Services
- 40 7 In-Kind-Equipment
- 51 1 Project Director
- 51 2 Project Coordinator
- 51 3 Staff
- 51 4 Fringe Benefits
- 52 1 Office
- 52 2 Automotive
- 52 3 Other
- 53 1 Educational
- 53 2 Programmatic
- 54 1 Property Rental
- 54 2 Equipment Rental
- 54 3 Telephone
- 55 1 Gas and Oil
- 55 2 Mileage Reimbursement
- 55 3 Per Diem
- 56 1 Office Supplies
- 56 2 Books and Periodicals
- 57 1 Land Acquisition
- 57 2 Architectural Fees
- 57 3 Contractors
- 58 1 Conferences
- 58 2 Dues
- 58 3 Miscellaneous

30 / CHAPTER IV

Trial Balance

January 31, 1975

| | | 1 | 2 | 3 | 4 | |
|----|---|---|---------|----------|----------|----|
| | | | | Amount | Amount | |
| | | | | Dr. | Cr. | |
| 1 | Cash-in-Bank — 1st National Bank | | | 646 00 | | 1 |
| 2 | Cash-in-Bank — Continental Bank | | | 35 00 | | 2 |
| 3 | | | | | | 3 |
| 4 | Equipment — Office (Memo account do not | | 1800 00 | — | | 4 |
| 5 | Equipment — Automotive include in amount) | | 4250 00 | — | | 5 |
| 6 | | | | | | 6 |
| 7 | FICA Taxes Payable | | | | 209 58 | 7 |
| 8 | Federal W/H Payable | | | | 573 22 | 8 |
| 9 | Illinois W/H Payable | | | | 82 70 | 9 |
| 10 | | | | | | 10 |
| 11 | Revenues — ILEC | | | | 8000 00 | 11 |
| 12 | Revenues — City A | | | | 2000 00 | 12 |
| 13 | Revenues — Service Fees | | | | 35 00 | 13 |
| 14 | Revenues — In-kind Equipment | | | | 50 00 | 14 |
| 15 | | | | | | 15 |
| 16 | Personnel — Project Director | | 1219 16 | | | 16 |
| 17 | Personnel — Project Co-Ordinator | | 1085 84 | | | 17 |
| 18 | Personnel — Staff | | 1277 50 | | | 18 |
| 19 | Total Personnel | | | 3582 50 | | 19 |
| 20 | Equipment — Office | | 1800 00 | | | 20 |
| 21 | Equipment — Automotive | | 4250 00 | | | 21 |
| 22 | Total Equipment | | | 6050 00 | | 22 |
| 23 | Consultants — Programmatic | | | 500 00 | | 23 |
| 24 | Other Contractual — Equipment Rental | | | 22 50 | | 24 |
| 25 | Travel — Mileage Reimbursement | | | 72 00 | | 25 |
| 26 | Commodities — Office Supplies | | | 42 50 | | 26 |
| 27 | | | | | | 27 |
| 28 | Totals | | | 10950 50 | 10950 50 | 28 |
| 29 | | | | | | 29 |
| 30 | | | | | | 30 |
| 31 | | | | | | 31 |
| 32 | | | | | | 32 |
| 33 | | | | | | 33 |

(3) Cash Disbursements Journal Grant No. 1234

| | | | | 1 | | 2 | | 3 | | 4 | | 5 | |
|------|------|--|-----|--------------|----------|-----------|---------|------------|---------|------------|--------|------------|-------|
| | | | | Ck. Amt. | | Personnel | | FICA | | Fed. W/H | | Ill. W/H | |
| | | | | cash-in-bank | | A/C 51 | | Payable | | Payable | | Payable | |
| | | | | A/C 11-1 Cr. | | Dr. | | A/C 22 Cr. | | A/C 23 Cr. | | A/C 24 Cr. | |
| Date | | Payee | | Ck. # | | | | | | | | | |
| 1975 | | | | | | | | | | | | | |
| 1 | 1/15 | W. Penn | 101 | | 449 61 | [1] | 609 58 | | 35 66 | | 109 31 | | 15 00 |
| 2 | 1/15 | R. Hill | 2 | | 402 96 | [2] | 542 92 | | 31 76 | | 94 70 | | 13 50 |
| 3 | 1/15 | K. Ball | 3 | | 204 32 | [3] | 263 75 | | 15 43 | | 37 50 | | 6 50 |
| 4 | 1/15 | Pitney Bowes | 4 | | 22 50 | | | | | | | | |
| 5 | 1/16 | Acme Off. Equip. | 5 | | 17 50 00 | | | | | | | | |
| 6 | 1/16 | Horder's | 6 | | 42 50 | | | | | | | | |
| 7 | 1/18 | ABC Auto | 7 | | 42 50 00 | | | | | | | | |
| 8 | 1/27 | Jones Associates | 8 | | 500 00 | | | | | | | | |
| 9 | 1/27 | W. Penn | 9 | | 37 75 | | | | | | | | |
| 10 | 1/27 | R. Hill | 10 | | 34 25 | | | | | | | | |
| 11 | 1/31 | W. Penn | 1 | | 449 61 | [1] | 609 58 | | 35 66 | | 109 31 | | 15 00 |
| 12 | 1/31 | R. Hill | 2 | | 402 96 | [2] | 542 92 | | 31 76 | | 94 70 | | 13 50 |
| 13 | 1/31 | K. Ball | 3 | | 204 32 | [3] | 263 75 | | 15 43 | | 37 50 | | 6 50 |
| 14 | 1/31 | C. Cox | 4 | | 292 16 | [3] | 375 00 | | 21 94 | | 53 60 | | 7 30 |
| 15 | 1/31 | P. Rand | 5 | | 311 06 | [3] | 375 00 | | 21 94 | | 36 60 | | 5 40 |
| 16 | | Totals | | ✓ | 9354 00 | | 3582 50 | ✓ | 2095 88 | ✓ | 573 22 | | 82 50 |
| 17 | | Summary | | | 5 1-1 | ✓ | 1219 16 | | | | | | |
| 18 | | | | | 5 1-2 | ✓ | 1085 84 | | | | | | |
| 19 | | | | | 5 1-3 | ✓ | 1277 50 | | | | | | |
| 20 | | | | | | | | | | | | | |
| 21 | 2/1 | Petty Cash | 116 | | 50 00 | | | | | | | | |
| 22 | 2/5 | 1st National Bank | 7 | | 992 38 | [4] | 209 58 | | | | | | |
| 23 | 2/5 | Ill. Dept. of Revenue | 8 | | 82 70 | | | | | | | | |
| 24 | 2/15 | W. Penn | 9 | | 449 61 | [1] | 609 58 | | 35 66 | | 109 61 | | 15 00 |
| 25 | 2/15 | R. Hill | 20 | | 402 96 | [2] | 542 92 | | 31 76 | | 94 70 | | 13 50 |
| 26 | 2/15 | K. Ball | 1 | | 204 32 | [3] | 263 75 | | 15 43 | | 37 50 | | 6 50 |
| 27 | 2/15 | C. Cox | 2 | | 292 16 | [3] | 375 00 | | 21 94 | | 53 60 | | 7 30 |
| 28 | 2/15 | P. Rand | 3 | | 311 06 | [3] | 375 00 | | 21 94 | | 36 60 | | 5 40 |
| 29 | | Totals | | | 2785 19 | | 2375 83 | | 26 73 | | 331 71 | | 47 70 |
| 30 | | Summary | | | 5 1-1 | | 609 58 | | | | | | |
| 31 | | | | | 5 1-2 | | 542 92 | | | | | | |
| 32 | | | | | 5 1-3 | | 1013 75 | | | | | | |
| 33 | | | | | 5 1-4 | | 209 58 | | | | | | |
| 34 | | | | | | | | | | | | | |
| 35 | | | | | | | | | | | | | |
| 36 | | Month End Instruction: | | | | | | | | | | | |
| 37 | | Post to General Ledger from the Journal. Total all columns. Dr columns equal | | | | | | | | | | | |
| 38 | | Cr columns.) Equipment should be posted to the expense account, the Memorandum | | | | | | | | | | | |
| 39 | | Equipment Asset account and also to the Inventory Control Sheet. | | | | | | | | | | | |
| 40 | | ✓ in front of amount indicates posting to appropriate general ledger account. | | | | | | | | | | | |
| 41 | | | | | | | | | | | | | |
| 42 | | | | | | | | | | | | | |

ILLINOIS REGISTER

CHAPTER IV / 31

| 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
|-----------------|--------------|-------------------|-------------|-------------|-------------|-------------|-----------|
| Equipment | Consultants | Other Contractual | Travel | Commodities | Other Costs | Other Items | |
| A/C 52 Dr. | A/C 53 Dr. | A/C 54 Dr. | A/C 55 Dr. | A/C 56 Dr. | A/C 58 Dr. | A/C # | Amt. Dr. |
| | | | | | | | 1 |
| | | | | | | | 2 |
| | | | | | | | 3 |
| | | [2] 22 50 | | | | | 4 |
| [1] 17 50 00 | | | | | | | 5 |
| | | | | [1] 42 50 | | | 6 |
| [2] 42 50 00 | | | | | | | 7 |
| | [2] 500 00 | | | | | | 8 |
| | | | [2] 37 75 | | | | 9 |
| | | | [2] 34 25 | | | | 10 |
| | | | | | | | 11 |
| | | | | | | | 12 |
| | | | | | | | 13 |
| | | | | | | | 14 |
| | | | | | | | 15 |
| 6 000 00 | ✓ 500 00 | ✓ 22 50 | ✓ 72 00 | ✓ 42 50 | | | 16 |
| 52-1 ✓ 17 50 00 | 53-2 | 54-2 | 55-2 | 56-1 | | | 17 |
| 52-2 ✓ 42 50 00 | | | | | | | 18 |
| | | | | | | | 19 |
| | | | | | | | 20 |
| | | | | | | 12 | 50 00 21 |
| | | | | | | 22 | 209 58 22 |
| | | | | | | 23 | 573 22 23 |
| | | | | | | 24 | 82 70 24 |
| | | | | | | | 25 |
| | | | | | | | 26 |
| | | | | | | | 27 |
| | | | | | | | 28 |
| | | | | | | | 29 |
| | | | | | | | 91 550 29 |
| | | | | | | 12 | 50 00 30 |
| | | | | | | 22 | 209 58 31 |
| | | | | | | 23 | 573 22 32 |
| | | | | | | 24 | 82 70 33 |
| | | | | | | | 34 |
| | | | | | | | 35 |
| | | | | | | | 36 |
| | | | | | | | 37 |
| | | | | | | | 38 |
| | | | | | | | 39 |
| | | | | | | | 40 |
| | | | | | | | 41 |
| | | | | | | | 42 |

NAME OF ACCOUNT Cash-in-Bank 1st National BankACCOUNT NO. 11-1

| Date 19 <u>75</u> | Explanation | Posting Ref. | Debits | | Credits | | Balance | |
|-------------------|-------------|--------------|--------|----|---------|----|---------|--------|
| | | | | | | | Debit | Credit |
| Jan. 31 | | CRJ-1 | 10,000 | 00 | | | 10,000 | 00 |
| 31 | | CDJ-1 | | | 9,354 | 00 | 646 | 00 |
| | | | | | | | | |

NAME OF ACCOUNT Cash-in-Bank Continental BankACCOUNT NO. 11-2

| Date 19 <u>75</u> | Explanation | Posting Ref. | Debits | | Credits | | Balance | |
|-------------------|-------------|--------------|--------|----|---------|--|---------|--------|
| | | | | | | | Debit | Credit |
| Jan. 31 | | CRJ-1 | 35 | 00 | | | 35 | 00 |
| | | | | | | | | |
| | | | | | | | | |

NAME OF ACCOUNT Petty Cash - W. PennACCOUNT NO. 12-1

| Date 19 <u>75</u> | Explanation | Posting Ref. | Debits | | Credits | | Balance | |
|-------------------|-------------|--------------|--------|--|---------|--|---------|--------|
| | | | | | | | Debit | Credit |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

NAME OF ACCOUNT Equipment - OfficeACCOUNT NO. 14-1

| Date 19 <u>75</u> | Explanation | Posting Ref. | Debits | | Credits | | Balance | |
|-------------------|-------------|--------------|--------|----|---------|--|---------|--------|
| | | | | | | | Debit | Credit |
| Jan. 31 | | CRJ-1 | 50 | 00 | | | 50 | 00 |
| 31 | | CRJ-1 | 1,750 | 00 | | | 1,800 | 00 |
| | | | | | | | | |

NAME OF ACCOUNT Equipment - AutomotiveACCOUNT NO. 14-2

| Date 19 <u>75</u> | Explanation | Posting Ref. | Debits | | Credits | | Balance | |
|-------------------|-------------|--------------|--------|----|---------|--|---------|--------|
| | | | | | | | Debit | Credit |
| Jan. 31 | | CDJ-1 | 4,250 | 00 | | | 4,250 | 00 |
| | | | | | | | | |
| | | | | | | | | |

NAME OF ACCOUNT Equipment - OtherACCOUNT NO. 14-3

| Date 19 <u>75</u> | Explanation | Posting Ref. | Debits | | Credits | | Balance | |
|-------------------|-------------|--------------|--------|--|---------|--|---------|--------|
| | | | | | | | Debit | Credit |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

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NAME OF ACCOUNT Accounts PayableACCOUNT NO. 21

| Date 19 <u>75</u> | Explanation | Posting Ref. | Debits | | Credits | | Balance | |
|-------------------|-------------|--------------|--------|--|---------|--|---------|--------|
| | | | | | | | Debit | Credit |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

NAME OF ACCOUNT FICA Taxes PayableACCOUNT NO. 22

| Date 19 <u>75</u> | Explanation | Posting Ref. | Debits | | Credits | | Balance | |
|-------------------|-------------|--------------|--------|--|---------|----|---------|--------|
| | | | | | | | Debit | Credit |
| Jan. 31 | | CDJ-1 | | | 209 | 58 | | 209 58 |
| | | | | | | | | |
| | | | | | | | | |

NAME OF ACCOUNT Federal W / H PayableACCOUNT NO. 23

| Date 19 <u>75</u> | Explanation | Posting Ref. | Debits | | Credits | | Balance | |
|-------------------|-------------|--------------|--------|--|---------|----|---------|--------|
| | | | | | | | Debit | Credit |
| Jan. 31 | | CDJ-1 | | | 573 | 22 | | 573 22 |
| | | | | | | | | |
| | | | | | | | | |

NAME OF ACCOUNT Illinois W / H PayableACCOUNT NO. 24

| Date 19 <u>75</u> | Explanation | Posting Ref. | Debits | | Credits | | Balance | |
|-------------------|-------------|--------------|--------|--|---------|----|---------|--------|
| | | | | | | | Debit | Credit |
| Jan. 31 | | CDJ-1 | | | 82 | 70 | | 82 70 |
| | | | | | | | | |
| | | | | | | | | |

NAME OF ACCOUNT Fund BalanceACCOUNT NO. 30

| Date 19 <u>75</u> | Explanation | Posting Ref. | Debits | | Credits | | Balance | |
|-------------------|-------------|--------------|--------|--|---------|--|---------|--------|
| | | | | | | | Debit | Credit |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

NAME OF ACCOUNT Revenues — ILECACCOUNT NO. 40-1

| Date 19 <u>75</u> | Explanation | Posting Ref. | Debits | | Credits | | Balance | |
|-------------------|-------------|--------------|--------|--|---------|----|---------|----------|
| | | | | | | | Debit | Credit |
| Jan. 31 | | CRJ-1 | | | 8,000 | 00 | | 8,000 00 |
| | | | | | | | | |
| | | | | | | | | |

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NAME OF ACCOUNT Revenues — City AACCOUNT NO. 40-2

| Date 19 <u>75</u> | Explanation | Posting Ref. | Debits | | Credits | | Balance | |
|-------------------|-------------|--------------|--------|--|---------|----|---------|----------|
| | | | | | | | Debit | Credit |
| Jan. 31 | | CRJ-1 | | | 2,000 | 00 | | 2,000 00 |
| | | | | | | | | |
| | | | | | | | | |

NAME OF ACCOUNT Revenues — City BACCOUNT NO. 40-3

| Date 19 <u>75</u> | Explanation | Posting Ref. | Debits | | Credits | | Balance | |
|-------------------|-------------|--------------|--------|--|---------|--|---------|--------|
| | | | | | | | Debit | Credit |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

NAME OF ACCOUNT Revenues — Interest EarnedACCOUNT NO. 40-4

| Date 19 <u>75</u> | Explanation | Posting Ref. | Debits | | Credits | | Balance | |
|-------------------|-------------|--------------|--------|--|---------|--|---------|--------|
| | | | | | | | Debit | Credit |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

NAME OF ACCOUNT Revenues — Service FeesACCOUNT NO. 40-5

| Date 19 <u>75</u> | Explanation | Posting Ref. | Debits | | Credits | | Balance | |
|-------------------|-------------|--------------|--------|--|---------|----|---------|--------|
| | | | | | | | Debit | Credit |
| Jan. 31 | | CRJ-1 | | | 35 | 00 | | 35 00 |
| | | | | | | | | |
| | | | | | | | | |

NAME OF ACCOUNT Revenues — In-kind ServicesACCOUNT NO. 40-6

| Date 19 <u>75</u> | Explanation | Posting Ref. | Debits | | Credits | | Balance | |
|-------------------|-------------|--------------|--------|--|---------|--|---------|--------|
| | | | | | | | Debit | Credit |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

NAME OF ACCOUNT Revenues — In-kind EquipmentACCOUNT NO. 40-7

| Date 19 <u>75</u> | Explanation | Posting Ref. | Debits | | Credits | | Balance | |
|-------------------|-------------|--------------|--------|--|---------|----|---------|--------|
| | | | | | | | Debit | Credit |
| Jan. 31 | | CRJ-1 | | | 50 | 00 | | 50 00 |
| | | | | | | | | |
| | | | | | | | | |

NAME OF ACCOUNT Personnel — Project Co-ordinator

NAME OF ACCOUNT Personnel — Staff

NAME OF ACCOUNT Personnel — Fringe BenefitsNAME OF ACCOUNT Equipment — OfficeNAME OF ACCOUNT Equipment -- Automotive[illegible]

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NAME OF ACCOUNT Equipment - OtherACCOUNT NO. 52-3

| Date 19 <u>75</u> | Explanation | Posting Ref. | Debits | | Credits | | Balance | |
|-------------------|-------------|--------------|--------|--|---------|--|---------|--------|
| | | | | | | | Debit | Credit |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

NAME OF ACCOUNT Consultants - EducationalACCOUNT NO. 53-1

| Date 19 <u>75</u> | Explanation | Posting Ref. | Debits | | Credits | | Balance | |
|-------------------|-------------|--------------|--------|--|---------|--|---------|--------|
| | | | | | | | Debit | Credit |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

NAME OF ACCOUNT Consultants - ProgrammaticACCOUNT NO. 53-2

| Date 19 <u>75</u> | Explanation | Posting Ref. | Debits | | Credits | | Balance | |
|-------------------|-------------|--------------|--------|----|---------|--|---------|--------|
| | | | | | | | Debit | Credit |
| Jan. 31 | | CDJ-1 | 500 | 00 | | | 500 | 00 |
| | | | | | | | | |
| | | | | | | | | |

SAMPLE

NAME OF ACCOUNT Other Contractual - Property RentalACCOUNT NO. 54-1

| Date 19 <u>75</u> | Explanation | Posting Ref. | Debits | | Credits | | Balance | |
|-------------------|-------------|--------------|--------|--|---------|--|---------|--------|
| | | | | | | | Debit | Credit |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

NAME OF ACCOUNT Other Contractual - Equipment RentalACCOUNT NO. 54-2

| Date 19 <u>75</u> | Explanation | Posting Ref. | Debits | | Credits | | Balance | |
|-------------------|-------------|--------------|--------|----|---------|--|---------|--------|
| | | | | | | | Debit | Credit |
| Jan. 31 | | CDJ-1 | 22 | 50 | | | 22 | 50 |
| | | | | | | | | |
| | | | | | | | | |

NAME OF ACCOUNT Other Contractual - TelephoneACCOUNT NO. 54-3

| Date 19 <u>75</u> | Explanation | Posting Ref. | Debits | | Credits | | Balance | |
|-------------------|-------------|--------------|--------|--|---------|--|---------|--------|
| | | | | | | | Debit | Credit |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

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NAME OF ACCOUNT Travel — Gas and OilACCOUNT NO. 55-1

| Date 19 <u>75</u> | Explanation | Posting Ref. | Debits | | Credits | | Balance | |
|-------------------|-------------|--------------|--------|--|---------|--|---------|--------|
| | | | | | | | Debit | Credit |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

NAME OF ACCOUNT Travel — Mileage ReimbursementACCOUNT NO. 55-2

| Date 19 <u>75</u> | Explanation | Posting Ref. | Debits | | Credits | | Balance | |
|-------------------|-------------|--------------|--------|----|---------|--|---------|--------|
| | | | | | | | Debit | Credit |
| Jan. 31 | | CDJ-1 | 72 | 00 | | | 72 | 00 |
| | | | | | | | | |
| | | | | | | | | |

NAME OF ACCOUNT Travel — Per DiemACCOUNT NO. 55-3

| Date 19 <u>75</u> | Explanation | Posting Ref. | Debits | | Credits | | Balance | |
|-------------------|-------------|--------------|--------|--|---------|--|---------|--------|
| | | | | | | | Debit | Credit |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

NAME OF ACCOUNT Commodities — Office SuppliesACCOUNT NO. 56-1

| Date 19 <u>75</u> | Explanation | Posting Ref. | Debits | | Credits | | Balance | |
|-------------------|-------------|--------------|--------|----|---------|--|---------|--------|
| | | | | | | | Debit | Credit |
| Jan. 31 | | CDJ-1 | 42 | 50 | | | 42 | 50 |
| | | | | | | | | |
| | | | | | | | | |

NAME OF ACCOUNT Commodities — Books and PeriodicalsACCOUNT NO. 56-2

| Date 19 <u>75</u> | Explanation | Posting Ref. | Debits | | Credits | | Balance | |
|-------------------|-------------|--------------|--------|--|---------|--|---------|--------|
| | | | | | | | Debit | Credit |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

NAME OF ACCOUNT Other Costs — ConferencesACCOUNT NO. 58-1

| Date 19 <u>75</u> | Explanation | Posting Ref. | Debits | | Credits | | Balance | |
|-------------------|-------------|--------------|--------|--|---------|--|---------|--------|
| | | | | | | | Debit | Credit |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

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NAME OF ACCOUNT Other Costs — DuesACCOUNT NO. 58-2

| Date 19 <u>75</u> | Explanation | Posting Ref. | Debits | | Credits | | Balance | |
|-------------------|-------------|--------------|--------|--|---------|--|---------|--------|
| | | | | | | | Debit | Credit |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

NAME OF ACCOUNT Other Costs — MiscellaneousACCOUNT NO. 58-3

| Date 19 <u>75</u> | Explanation | Posting Ref. | Debits | | Credits | | Balance | |
|-------------------|-------------|--------------|--------|--|---------|--|---------|--------|
| | | | | | | | Debit | Credit |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

NAME OF ACCOUNT _____

ACCOUNT NO. _____

| Date 19 ____ | Explanation | Posting Ref. | Debits | | Credits | | Balance | |
|--------------|-------------|--------------|--------|--|---------|--|---------|--------|
| | | | | | | | Debit | Credit |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

NAME OF ACCOUNT _____

ACCOUNT NO. _____

| Date 19 ____ | Explanation | Posting Ref. | Debits | | Credits | | Balance | |
|--------------|-------------|--------------|--------|--|---------|--|---------|--------|
| | | | | | | | Debit | Credit |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

NAME OF ACCOUNT _____

ACCOUNT NO. _____

| Date 19 ____ | Explanation | Posting Ref. | Debits | | Credits | | Balance | |
|--------------|-------------|--------------|--------|--|---------|--|---------|--------|
| | | | | | | | Debit | Credit |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

NAME OF ACCOUNT _____

ACCOUNT NO. _____

| Date 19 ____ | Explanation | Posting Ref. | Debits | | Credits | | Balance | |
|--------------|-------------|--------------|--------|--|---------|--|---------|--------|
| | | | | | | | Debit | Credit |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

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Cash Receipts Journal Grant No. 1234

| | | 1 | | 2 | | 3 | | 4 | |
|------|-------|--|-------------------|-------------------|----------------|---------|-----------|---------|----|
| Date | | Cash- | Revenues | Revenues | Expense | | | | |
| 1975 | Payee | in-Bank | Cash | In-Kind | | | | | |
| | | A/C 11 Dr. | A/C 40 Cr. | A/C 40 Cr. | Dr. | | | | |
| 1 | 1/13 | ILEC | [1] 8 00 00 00 | [1] 8 00 00 00 | | | | | 1 |
| 2 | 1/20 | City A | [1] 2 00 00 00 | [2] 2 00 00 00 | | | | | 2 |
| 3 | 1/21 | J. Smith (typewriter) | | | [7] 5 00 00 | 52-1 | 5 00 00 | | 3 |
| 4 | 1/21 | Bill Bond | [2] 1 50 00 | [5] 1 50 00 | | | | | 4 |
| 5 | 1/29 | Sam Flake | [2] 2 00 00 | [5] 2 00 00 | | | | | 5 |
| 6 | | Totals | 1 0 03 5 00 | 1 0 03 5 00 | | 5 00 00 | | 5 00 00 | 6 |
| 7 | | | | | | | | | 7 |
| 8 | | Summary | 11-1 ✓ 1 00 00 00 | 40-1 ✓ 8 00 00 00 | 40-7 ✓ 5 00 00 | 52-1 | ✓ 5 00 00 | | 8 |
| 9 | | | 11-2 ✓ 3 50 00 | 40-2 ✓ 2 00 00 00 | | | | | 9 |
| 10 | | | | 40-5 ✓ 3 50 00 | | | | | 10 |
| 11 | | Summary Totals | 1 0 03 5 00 | 1 0 03 5 00 | | 5 00 00 | | 5 00 00 | 11 |
| 12 | | | | | | | | | 12 |
| 13 | | | | | | | | | 13 |
| 14 | 2/1 | City B | [1] 1 00 00 00 | [3] 1 00 00 00 | | | | | 14 |
| 15 | 2/1 | City B (Rent) | | | [6] 5 00 00 | [54-1] | 5 00 00 | | 15 |
| 16 | 2/10 | Dave Arnold (Training Material) | | | [7] 3 00 00 | [56-2] | 3 00 00 | | 16 |
| 17 | 2/12 | Gar Wood (Carpenter) | | | [6] 8 00 00 | [58-1] | 8 00 00 | | 17 |
| 18 | 2/27 | ILEC | [1] 4 09 5 00 | [1] 4 09 5 00 | | | | | 18 |
| 19 | 2/27 | Mr. Mundy (Adding machine) | | | [7] 7 00 00 | [52-1] | 7 00 00 | | 19 |
| 20 | 2/27 | Service Fees (Client list att.) | [1] 1 30 00 | [5] 1 30 00 | | | | | 20 |
| 21 | | Totals | 5 22 5 00 | 5 22 5 00 | | 2 30 00 | | 2 30 00 | 21 |
| 22 | | | | | | | | | 22 |
| 23 | | Summary | 11-1 5 09 5 00 | 40-1 4 09 5 00 | 40-6 1 30 00 | 52-1 | 7 00 00 | | 23 |
| 24 | | | 11-2 1 30 00 | 40-3 1 00 00 | 40-7 1 00 00 | 54-1 | 5 00 00 | | 24 |
| 25 | | | | 40-5 1 30 00 | | 56-2 | 3 00 00 | | 25 |
| 26 | | | | | | 58-1 | 8 00 00 | | 26 |
| 27 | | Summary Totals | 5 22 5 00 | 5 22 5 00 | | 2 30 00 | | 2 30 00 | 27 |
| 28 | | Month End Instruction: | | | | | | | 28 |
| 29 | | Post to General Ledger from the Journal. (Total all columns. Total in Column 1 | | | | | | | 29 |
| 30 | | equals Column 2. Total Column 3 equals Column 4. Post only Summary Totals.) | | | | | | | 30 |
| 31 | | Equipment should be posted to expense account and to the Memorandum Equipment | | | | | | | 31 |
| 32 | | Asset Account and also to the Inventory Control Sheet. | | | | | | | 32 |
| 33 | | ✓ in front of amount indicates posting to appropriate general ledger account. | | | | | | | 33 |

D. Source Documents.

Award Document

Personal Services*

The grantee must have formal written personnel policies.

Daily Time Distribution Records

Daily Attendance Records

Vacation and Sick Leave Records

Certification of Attendance at Meetings

Meeting Minutes with Signed Roster (signed by attendees)

Travel*

Travel Expenses Claim or Voucher

Vehicle Mileage Records

Transportation Records

Receipt for:

Lodging

Air Travel, etc.

Consultant Services*

Consultants must retain records in the same detail as the grantee.

Billings or Invoices Showing:

Personal Services

Travel

Supplies and Operating Expenses (Approval document for indirect cost rate must be available.)

Profit Earned

Equipment*

Purchase Orders

Invoices

Receiving Reports

Bid Documents

Inventory Records

Other Expenses*

Receipts

Invoices

Telephone Logs

*All source documents, including checks or warrants, should be cross-referenced.

Month _____

Signature _____

[illegible]

EMPLOYEE ATTENDANCE RECORD

GRANT TITLE:

Pay Period From:

To:

| Employee's Name | Bi-Mo. Rate | Hourly Rate | Days and Hours Worked | | | | | | | | Total Fed./St. Hours | Total Grantee Hours | Amount of Salary Fed./St. | Amount of Salary Grantee | Work Description | Employee Initials | |
|-----------------|-------------|-------------|-----------------------|--|--|--|--|--|--|--|----------------------|---------------------|---------------------------|--------------------------|------------------|-------------------|--|
| | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | IN | | | | | | |
| | | | | | | | | | | | OUT | | | | | | |
| | | | | | | | | | | | IN | | | | | | |
| | | | | | | | | | | | OUT | | | | | | |
| | | | | | | | | | | | IN | | | | | | |
| | | | | | | | | | | | OUT | | | | | | |
| | | | | | | | | | | | IN | | | | | | |
| | | | | | | | | | | | OUT | | | | | | |
| | | | | | | | | | | | IN | | | | | | |
| | | | | | | | | | | | OUT | | | | | | |

Pay Period From:

To:

[illegible]

ILEC Fringes ____% of Total ILEC Salaries = \$ _____

Grant Administrator Signature:

Grantee Fringes ____ % of Total Grantee Salaries = \$ _____

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VACATION, SICK LEAVE, AND OVERTIME

Employee's Name _____ Date of Hire _____

Position _____ Program Account _____ Program Year _____

Vacation: 8 Hours Per Month

Sick Leave: 8 Hours Per Month

EXTRA HOURS WORKED

| Month | BAL. FWD. | | CTO HOURS | | | | BAL. FWD. | | HOLIDAY CREDIT | | BAL. FWD. | EXCESS HOURS | | |
|-------|-----------|------------------------|-----------|------|---------|---------------|-----------|-------|----------------|---------|-----------|--------------|------|---------|
| | Worked | Conversion to Prem. OT | Total | Used | Balance | Prior Year OT | Earned | Total | Used | Balance | Worked | Total | Used | Balance |
| Jan. | | | | | | | | | | | | | | |
| Feb. | | | | | | | | | | | | | | |
| Mar. | | | | | | | | | | | | | | |
| Apr. | | | | | | | | | | | | | | |
| May | | | | | | | | | | | | | | |
| Jun. | | | | | | | | | | | | | | |
| Jul. | | | | | | | | | | | | | | |
| Aug. | | | | | | | | | | | | | | |
| Sept. | | | | | | | | | | | | | | |
| Oct. | | | | | | | | | | | | | | |
| Nov. | | | | | | | | | | | | | | |
| Dec. | | | | | | | | | | | | | | |

SAMPLE

EMPLOYEE LEAVE RECORD

| Year | Month | SICK LEAVE HOURS | | | VACATION HOURS | | | |
|--------------------------------------|-------|------------------|------|--------------------|-----------------|------|--------------------|--|
| Employee Name | | Total Available | Used | Balance End of Mo. | Total Available | Used | Balance End of Mo. | |
| Social Security No. | Jan. | | | | | | | |
| State Service as of / / Yrs. Mos. | Feb. | | | | | | | |
| | Mar. | | | | | | | |
| | Apr. | | | | | | | |
| | May | | | | | | | |
| | Jun. | | | | | | | |
| | Jul. | | | | | | | |
| | Aug. | | | | | | | |
| | Sept. | | | | | | | |
| | Oct. | | | | | | | |
| | Nov. | | | | | | | |
| | Dec. | | | | | | | |

CERTIFICATION OF MATCHING FUNDS

This is to certify that I _____

a _____
(Indicate designation or position)

have rendered _____ hours to assist _____
(Name of Project)

_____ from _____ to _____
(Period Covered)

197____, as shown in the attached time distribution sheet, and that my employer is not Federally funded.

Contributor's Signature _____

Certified correct: _____
Project Director

Approved by: _____
Contributor's Supervisor

FOR ACCOUNTING USE ONLY:

At \$ _____ per hour, the service rendered is equivalent to \$ _____ as claimed local contribution.

CHARGE TO: Personnel Services \$ _____

Fringe Benefits \$ _____

Consultation \$ _____

_____ \$ _____

Date Posted: _____

Initial: _____

REMARKS: _____

TRAVEL EXPENSE VOUCHER

Office Location _____ City _____ Residence _____ City _____

**AGREEMENT BETWEEN ABC CORPORATION AND
THE UNIVERSITY OF KNOWHOW**

This agreement is entered into at Chicago, Illinois, this day of February, A. D. 1972, by and between the ABC Corporation, hereinafter referred to as "ABC" and the University of Knowhow, hereinafter referred to as "University."

Whereas, ABC desires to provide an evaluation of the Grant Project; to develop community and youth participation in this project; and wishes to obtain assistance in training and development of professional staff; and

Whereas, ABC has requested cooperation of the University and is willing to pay for part of the costs thereof; and

Whereas, University through its School of Social Work desires to cooperate with ABC in said project and has determined that said project will be of value to University's research and educational program;

Now, therefore, it is hereby agreed by ABC and University as follows:

1. University agrees to assume responsibility to undertake an evaluation of the Grant Project to include:
 - a. establishment of an information system; training of staff in its operations; and maintaining its performance and reliability; and designing and implementing selected supplementary studies for qualitative assessment; and
 - b. provision of technical supervision of project personnel assigned responsibility for collecting and tabulating data from the information system; and
 - c. assistance in preparation of reports on project required by Federal and State funding agencies; and
 - d. provision of consultation to project administrators concerning the services delivery system of the project and its relation to service goals, objectives and their evaluation; and
 - e. development of a plan for community and youth participation in the evaluation of the project; and
 - f. preparation of quarterly progress reports on evaluation of the project, first report to be submitted to ABC on or before June 15, 1972; and
 - g. submission of final report on evaluation completed on the first year of project (October 1, 1971 - October 1, 1972) on or before December 31, 1972.
2. ABC agrees to provide meeting and work space for University evaluation personnel when visiting project, including access to project files and records, telephone, duplicating equipment, and file cabinet.
3. ABC agrees to reimburse University expenditures incurred by the University for salaries, stipends, transportation, printing, consumable supplies, provided, however, that the total shall not exceed the sum of twenty-four thousand seven hundred seventy-six dollars (\$24,776.00). The attached budget is incorporated in this agreement by this reference. The University, when it has provided services to ABC, for which it would be entitled to receive said maximum sum shall be under no obligation to furnish further services to ABC unless and until this agreement and said maximum sum are amended to permit payment for such additional services. Payment will be made by ABC to University promptly upon presentation of monthly billings following each month of the contract period.
4. Persons serving as Planning Director and Research Director shall be the mutual selection of ABC and University..
5. The University and ABC agree that publication resulting from work related to this contract and the Grant Project shall require mutual consent of both parties and any Federal funding agency.
6. The term of this agreement shall be March 1, 1972 until December 30, 1972, both inclusive. This agreement may be terminated by either party upon ninety (90) days written notice to the other.
7. ABC, ILEC, LEAA, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the University which are directly pertinent to the grant program for the purpose of making audit, examination excerpts and transcriptions.
8. Assurance of compliance with the Civil Rights Act of 1964, and Executive Order No. 11246, entitled, "Equal Employment Opportunity" as supplemented in Department of Labor Regulations (41 CFR, Part 60) applies to this contract.

APPROVED:

ABC Corporation _____

University of Knowhow _____

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EDUCATIONAL CONSULTANTS, INC.

CONTRACT NO. 9999 UNDER GRANT A-000-73
CUSTOMER CITY OF X

VOUCHER NO. 9999 DATE:
COSTS FOR PHASE 1

| COST ELEMENT | AMOUNT OF BILLING | TOTAL BILLING TO DATE |
|--|----------------------|--------------------------|
| Personal Service, Total | \$1,260.59 | \$1,260.59 |
| Travel, Total | \$ 900.84 | \$ 900.84 |
| Supplies & Operating Expenses: Office Supplies | \$ 542.18 | \$ 542.18 |
| TOTAL COSTS | \$2,703.61 | \$2,703.61 |

CONTRACT BUDGET

| | |
|--|-------------|
| Research Director, 75% Appointment - 10 months | \$12,000.00 |
| Planning Director | \$ 3,500.00 |
| Research Assistants, Graduate Student Stipends | \$ 3,600.00 |
| Secretarial Services, 50% Appointment - 46 weeks | \$ 2,880.00 |
| Fringe Benefits at 12% (excluding part-time Research Assistants) | \$ 1,785.00 |
| Workmen's Compensation - All Staff | \$ 111.00 |
| Travel | \$ 300.00 |
| Telephone | \$ 200.00 |
| Consumable Supplies | \$ 400.00 |
| TOTAL COSTS | \$24,776.00 |

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LOCAL CONTRIBUTION REPORT

NAME OF PROJECT _____

Instructions: This form is to be used for all types of Contributions. Prepare a separate report, in triplicate, for each contribution. Submit 1 copy to _____, 2nd copy is Contributor's receipt, and 3rd copy is for office files.

Contributor's Name _____ Phone _____
(Please Print)Contributor's Address _____
(Street) (City) (State) (Zip)

| Date of Contribution | Description of Contributed Goods, Service or Expense Incurred | Hours Worked | | No. of Hours/Quantity | Rate Per Hour or Unit Price | Total Value |
|----------------------|---|--------------|----|-----------------------|-----------------------------|-------------|
| | | From | To | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
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| | | | | | | |
| | | | | | | |
| | | | | | | |
| TOTAL CONTRIBUTION | | | | | | |

THIS IS TO CERTIFY THAT ABOVE SERVICES (IF APPLICABLE) WERE RENDERED DURING NORMAL WORKING HOURS AND THAT MY EMPLOYER IS NOT FEDERALLY FUNDED.

Signed _____ Date _____
(Contributor)Signed _____ Date _____
(Contributor's Supervisor)

THANK YOU SINCERELY FOR YOUR CONTRIBUTION TO THE EFFORTS OF THIS AGENCY.

Signed _____ Date _____
(Project Director)

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RECEIPT OF DONATED GOODS

Name of Donator _____

Address _____
Street City State

Date of Donation _____

GOODS

Description of goods (including serial number, model, color, type, etc.)

Value: _____

Method used to value goods (cost or fair market value, whichever is lower.)

Name of person valuing goods _____

Identify Expertise _____

Signature of Donator: _____

Signature of Receiver: _____

Date Received: _____

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(6) Property Inventory
Under Grant No. 1234Inventory Date _____
Approved by _____

| Inventory Tag No. | Description/Serial No. | Quantity | Unit Cost | When and Where Purchased | Present Location | Used For | LEAA Cost Equity at Acquisition | Present Condition |
|-------------------|-----------------------------------|----------|-----------|--------------------------|------------------|----------|---------------------------------|-------------------|
| 1 | Royal Manual Type-writer 8647933R | 1 | 50.00 | 1/21/75 donated | office | | -0- | |
| 2-6 | Desks - walnut finish | 5 | 250.00 | 1/16/75 Acme Off. | office | | 90% of 1,250.00 | |
| 7-11 | Swivel Chairs | 5 | 80.00 | 1/16/75 Acme Off. | office | | 90% of 400.00 | |
| 12-15 | Side Chairs | 4 | 25.00 | 1/16/75 Acme Off. | office | | 90% of 100.00 | |
| 16 | 1975 Monza | 1 | 4,250.00 | 1/18/75 ABC Auto | office | | 90% of 4,250.00 | |

SAMPLE

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E. IMPREST PETTY CASH FUND

(1) Establishment of fund:

A check is drawn for an amount deemed appropriate for petty cash purposes. The check is cashed and the cash is held in the office for use in making petty disbursements. The establishment of the fund is recorded by debiting Petty Cash and crediting Cash.

(2) Disbursement from fund:

When expenditures are made, a petty cash voucher is prepared and receipts or other source documents are retained to show what the money was spent for.

(3) Replenishment of fund:

Whenever the petty cash expenditures have nearly exhausted the fund, it is necessary to replenish it. The fund is replenished by issuance of a check for that amount. The issuance of the check is recorded in the cash disbursements journal by debits to the appropriate expenditure accounts and a credit to cash.

The expense accounts are debited when the fund is replenished, and not when the petty disbursements are made. Thus, numerous small disbursements can be covered by one check.

As a general rule, petty cash vouchers, receipts or other source documents supporting the petty cash disbursements must be presented by the petty cashier to a designated accounting officer for his review and approval. Such supporting documents should equal the replenishment check, and, after being marked "cancelled," to prevent their re-use, they are filed as support for the replenishment check.

The only entry in the Petty Cash account is the one establishing the fund; other entries will be made in this account only if the established amount of the fund is increased or decreased because of a change in the amount of the fund needed.

The person in charge of the petty cash fund should always have cash or evidence of disbursements equal to the balance of the Petty Cash account.

The following type of voucher should be used for recording petty cash disbursements:

| | |
|-------------------------------|-------------------|
| AMOUNT \$ _____ | NO. _____ |
| Received of Petty Cash | |
| DATE _____ 19__ | |
| FOR _____ | |
| CHARGE TO _____ | |
| APPROVED BY _____ | RECEIVED BY _____ |

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Chapter V/PROCUREMENT STANDARDS

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54 / CHAPTER V

1. **Purpose.** This chapter provides standards for use by grantees in establishing procedures for the procurement of supplies, equipment and other services with ILEC grant funds. These standards are furnished to ensure that such materials and services are obtained in an effective manner and in compliance with applicable State and Federal regulations.
2. **Contractual Responsibility.** The grantee is the responsible authority, without recourse to ILEC, regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into in support of a grant. Matters concerning violation of law are to be referred to such local, State or Federal authority as may have proper jurisdiction.
3. **Procurement Requirements.** The requirements outlined below represent minimum State and Federal standards for the procurement of goods and services with ILEC grant funds. Grantees may use their own applicable local rules and regulations if such standards meet or exceed the following:
 - A. The grantee shall develop or maintain a code of conduct which shall govern the performance of its officers, employees, or agents in contracting with or expending ILEC grant funds. To the extent permissible by State or local law, rules or regulations, such standards shall provide for penalties, sanctions, or disciplinary actions to be applied for violation of these standards. Grantee's officers, employees or agents, shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or potential contractors.
 - B. All procurement transactions, regardless of whether negotiated or advertised and without regard to dollar value, shall be conducted in a manner so as to provide maximum open and free competition. The grantee should be alert to organizational conflicts of interest or non-competitive practices among contractors which may restrict or eliminate competition or otherwise restrain trade.
 - C. Proposed procurements shall be reviewed by grantee officials to avoid purchasing unnecessary or duplicative items. Where appropriate, a lease vs. purchase analysis shall be conducted by the grantee to determine the most economical and practical procurement. A LEASE VS. PURCHASE ANALYSIS IS REQUIRED FOR ANY GRANTEE ACQUISITION OF AUTOMATIC DATA PROCESSING EQUIPMENT. SUCH ANALYSIS MUST BE PROVIDED TO ILEC PRIOR TO PROCUREMENT BY THE GRANTEE.
 - D. All procurements in excess of \$1,500 shall include a provision that the grantee, ILEC, LEAA, the Comptroller General of the United States or any of their duly authorized representatives shall have access to any books, documents, papers and records of the contractor which are directly pertinent to a specific grant program for purpose of making audit, examination, excerpts and transcriptions.
 - E. All procurements in excess of \$1,500 shall contain suitable provisions for termination by the grantee including the manner by which termination will be effected and the basis for settlement. Such provisions shall include conditions under which the contract can be terminated for default, as well as conditions where the contract can be terminated because of circumstances beyond the grantee's or contractor's control.
 - F. Contracts of amounts in excess of \$100,000 shall contain a provision which requires the recipient to agree to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act of 1970. Violations shall be reported to ILEC, LEAA, and the Regional Office of the Environmental Protection Agency.
 - G. All procurements in excess of \$10,000 shall include provisions for compliance with Executive Order No. 11246, entitled "Equal Employment Opportunity" as amended by Executive Order 11375, as supplemented in Department of Labor Regulations (41 CFR, Part 60). Each contractor shall be required to have an affirmative action plan which declares that it does not discriminate on the basis of race, color, religion, creed, national origin, sex or

age and which specifies target goals and target dates to assure implementation of that plan. The grantee shall establish procedures to assure compliance with this requirement by contractors and to assure that suspected or reported violations are promptly investigated. The grantee shall require the contractor to insert this provision in all subcontracts and subgrants in excess of \$10,000.

- H. Procurement records for purchases in amounts in excess of \$1,500 shall include, as a minimum, the following information:
 - (1) Justification for use of negotiation in lieu of public advertising (if applicable) and the basis for the cost or price negotiation.
 - (2) A copy of the advertisement and related documents upon which the contract was awarded.
 - (3) A copy of the purchase agreement and any modifications thereto.
- I. Contracts shall be made only with responsible contractors who possess the ability to perform successfully under the terms and conditions of the proposed agreement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources and accessibility to other necessary resources.
- J. Contracts shall contain provisions or conditions which will allow for administrative, contractual or other remedies in instances where contractors violate or breach contract terms. Such provisions shall provide for such sanctions and penalties as may be appropriate.
- K. A COST PLUS PERCENTAGE OF THE COST PURCHASE AGREEMENT SHALL NOT BE USED.
- L. The grantee shall make every attempt to use minority and small business concerns when contracting with ILEC grant funds. This may include formal set-aside programs.

4. Invitations for Bids (IFB)

- A. Formal advertising with adequate purchase descriptions, sealed bids and public bid openings shall be the required method of procurement unless otherwise authorized in this chapter. Where such advertised bids are received, the contract award must be made to the lowest responsive, responsible bidder, price and factors affecting price considered. (Such factors may be discounts, transportation costs, or taxes.) Invitations for bids shall clearly set forth all requirements which the bidder shall fulfill in order for his/her bid to be evaluated by the grantee.
- B. The grantee shall provide in the IFB that any or all bids may be rejected when it is in the grantee's interest to do so. Further, the IFB may include a provision whereby the grantee may make partial awards, if it is appropriate to do so.
- C. In the bid, the vendor shall disclose the name of each individual having interest in the company of more than 7.5%. In the case of corporations, the vendor shall include a list of all corporate officers.
- D. Responsibility of prospective contractors has been defined in 3, I above. Responsiveness to the IFB means that the vendor's bid conforms to all of the requirements of the IFB (i.e., if delivery is required in 90 days and the vendor proposes to deliver in 120, the bid is non-responsive).
- E. A fixed price purchase must result from the award under an IFB procedure.

5. Requests for Proposals (RFP)

- A. RFPs are used when the specifications for the procurement are not sufficiently clear to permit use of the IFB procedure. RFPs are predominately employed where a complex, integrated system or contractual study is to be procured.
- B. THE VENDOR MUST BE INFORMED OF THE EVALUATION CRITERIA THAT WILL BE USED IN THE SELECTION OF THE CONTRACTOR IN THE RFP.
- C. Clear and specific justification for contractor selection shall be maintained by the grantee for purposes of examination and audit.
- D. RFPs must be advertised to permit maximum open and free competition.
- E. ILEC shall be informed when the grantee proposes to use this method of procurement. This prior notification shall include:
 - (1) Reasons for not using the IFB procedure;
 - (2) A copy of the RFP;
 - (3) A copy of the proposed purchase agreement.

6. Negotiated Procurements. Procurements may be negotiated if it is impractical or unfeasible to use formal advertising. The grantee shall attempt, however, to secure the maximum competition possible in all negotiated procurements. Generally, procurements may be negotiated if:

- A. Public exigency/emergency will not permit the delay incident to formal advertising;
- B. The material or service to be procured is available from one person or one firm. (All contemplated sole source procurements where the aggregate expenditure is expected to exceed \$1,500 must be referred to ILEC for approval);
- C. The aggregate amount of the procurement does not exceed \$1,500;
- D. The contract is for personal, professional or artistic services, or for any service to be rendered by a university, college or other non-profit educational institution;
- E. No acceptable bids have been received after formal advertising;
- F. The procurement involves use of State or local existing contracts that were originally entered into on a competitive basis;
- G. The purchases are for highly perishable materials or medical supplies, for material or services where the prices are established by law, for technical items or equipment requiring standardization and interchangeability of parts with existing equipment, for experimental, developmental or research work, for supplies purchased for authorized resale, and for technical or specialized supplies requiring substantial initial investment for manufacture.

7. Special Considerations**A. Sole Source Procurements**

- (1) All procurements in excess of \$1,500 which are entered into without competition must receive prior ILEC approval. The grantee shall provide a complete

justification indicating the reasons that preclude formal competition and a copy of the proposed purchase agreement.

- (2) LEAA has determined that when only one acceptable bid has been received after formal advertising, the procurement is to be considered sole source.

B. Equipment

- (1) Equipment required for grant projects should be purchased only after determination by responsible officials that no other equipment owned by the grantee is available for the effort.
- (2) Grant funds should not be used to provide reimbursement for the purchase price of equipment already owned by the grantee other than through permissible depreciation or use allowances. This does not apply to equipment owned by a State or local government central purchasing department and held in stock available for issuance and sale to the grantee or other government offices.
- (3) If equipment purchased is used commonly for two or more Federal grant projects or for a Federal grant project and a non-Federally supported State or local government activity, appropriate proration of cost to each activity involved must be made.
- (4) Equipment must be purchased within the first nine months of the commencement of the grant project. No equipment will be purchased during the last 90 days of the grant period without prior written ILEC approval.
- (5) The grantee shall include provisions, as appropriate, to preclude late delivery of equipment by contractors. These provisions may include penalty clauses and contract bonds. If it becomes evident that the contractor will be delinquent in fulfilling projected delivery schedules, the grantee shall notify ILEC immediately.

C. Construction. All construction and repair contracts and subgrants shall include the following:

- (1) All construction contracts in excess of \$2,500 shall be under the supervision of a licensed architect or engineer and have written acceptance by the architect or engineer;
- (2) A provision for compliance with the Copeland "Anti-Kick Back" Act (18USC874) as supplemented in Department of Labor Regulations (29CFR Part 3). This Act provides that each contractor shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The grantee shall report all suspected violations to the grantor agency;
- (3) All contracts in excess of \$1,500 for construction and in excess of \$2,500 for other contracts which involve the employment of mechanics and laborers shall include a provision for compliance with Sections 103 and 107 of the Contract Work Hour Standards Act (40 USC 327-330) as supplemented by Department of Labor regulations (29 CFR Part 5);
- (4) In all contracts for construction or facility improvement awarded in excess of \$100,000, grantees shall observe the bonding requirements provided in Attachment B of Federal Management Circular 74-7.

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Chapter VI / PROPERTY MANAGEMENT

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1. Definitions

Real Property. Real property means land, land improvements, structures and appurtenances thereto, excluding movable machinery and equipment.

Personal Property. Personal property means property of any kind except real property. It may be tangible — having physical existence, or intangible — having no physical existence, such as patents, inventions, and copyrights.

Non-Expendable Personal Property. Non-expendable personal property means tangible personal property having a useful life of more than one year and an acquisition cost of \$50.00 or more per unit. A grantee may use its own definition of non-expendable personal property provided that such definition would at least include all tangible personal property as defined above.

Expendable Personal Property. Expendable personal property refers to all tangible personal property other than non-expendable property.

Excess Property. Excess property means property under the control of any agency which property, as determined by the need thereof, is no longer required for the agency's needs.

2. Requirements for Real Property

- A. The grantee shall use the real property for the authorized purpose of the original grant as long as needed.
- B. The grantee must obtain approval from ILEC for the use of real property in other projects when the grantee determines that the property is no longer needed for the original grant purposes. Use in other projects will be limited to those under other Federal grant programs, or programs that have purposes consistent with those authorized for support by ILEC.
- C. When the real property is no longer needed as provided above in 2A and 2B, the grantee shall return all real property furnished or purchased wholly with Federal grant funds to the control of ILEC. In the case of property purchased wholly or in part with Federal grant funds, the grantee may be permitted to take title to the Federal interest therein upon compensating the Federal government for its fair share of the property. The Federal share of the property shall be the amount computed by applying the percentage of the Federal participation in the total cost of the grant program for which the property was required, to the current fair market value of the property.

3. Requirements for Non-Expendable Personal Property

- A. When non-expendable personal property is acquired by a grantee wholly or in part with Federal funds, title will not be taken by the Federal government except as provided in 3A (3) (b) (iv) below, but shall be vested in the grantee subject to the following restrictions on use and disposition of the property:
 - (1) The grantee shall retain the property acquired with Federal funds in the grant program as long as there is a need for the property to accomplish the purpose of the grant program whether or not the program continues to be supported by Federal funds. When there is no longer a need for the property to accomplish the purpose of the grant program, the grantee shall use the property in connection with other Federal grants it has received in the following order of priority:

- (a) Other grants from ILEC needing the property;

- (b) Grants of other Federal agencies needing the property.
- (2) When the grantee no longer has need for the property in any of its Federal grant programs, the property may be used for the grantee's own official activities in accordance with the following standards:
- (a) Non-expendable property with an acquisition cost of less than \$500 and used four years or more. The grantee may use the property for the grantee's own official activities without reimbursement to the Federal government or sell the property and retain the proceeds;
 - (b) All other non-expendable property. The grantee may retain the property for the grantee's own use provided that a fair compensation is made to ILEC for the latter's share of the property. The amount of compensation shall be computed by applying the percentage of ILEC participation in the grant program to the current fair market value of the property.
- (3) If the grantee has no need for the property, disposition of the property shall be made as follows:
- (a) Non-expendable property with an acquisition cost of \$1,000 or less. Except for that property which meets the criteria of 3A(2) (a) above, the grantee shall sell the property and reimburse ILEC an amount which is computed in accordance with 3A (3) (b) (iii) below;
 - (b) Non-expendable property with an acquisition cost of over \$1,000. The grantee shall request disposition instructions from ILEC. ILEC shall determine whether the property can be used to meet the agency's requirement. If no requirement exists within that agency, the availability of the property shall be reported to the General Services Administration (GSA) by ILEC to determine whether a requirement for the property exists in other Federal agencies. ILEC shall issue instructions to the grantee within 120 days and the following procedures shall govern:
 - (i) If the grantee is instructed to ship the property elsewhere, the grantee shall be reimbursed by ILEC with an amount which is computed by applying the percentage of the grantee's participation in the grant program to the current fair market value of the property, plus any shipping or interim storage costs incurred;
 - (ii) If the grantee is instructed to otherwise dispose of the property, the grantee shall be reimbursed by ILEC for such costs incurred in its disposition;
 - (iii) If disposition instructions are not issued within 120 days after reporting, the grantee shall sell the property and reimburse ILEC an amount which is computed by applying the percentage of Federal participation in the grant program to the sales proceeds. Further, the grantee shall be permitted to retain \$100 or 10 percent of the proceeds, whichever is greater, for the grantee's selling and handling expenses;
 - (iv) Where ILEC determines that property with an acquisition cost of \$1,000 or more and financed solely with Federal funds is unique, difficult, or costly to replace, it may reserve title to such property, subject to the following provisions:

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- The property shall be appropriately identified in the grant agreement or otherwise made known to the grantee;
 - ILEC shall issue disposition instructions within 120 days after the completion of the need for the property under the Federal grant for which it was acquired. If ILEC fails to issue disposition instructions within 120 days, the grantee shall apply the standards of 3A (3) (b) (iii).
- B. Federally-owned non-expendable personal property. Unless statutory authority to transfer title has been granted to an agency, title to Federally-owned property (property to which the Federal government retains title including excess property) shall be reported to ILEC for further agency use or, if appropriate, for reporting to the General Services Administration for other Federal agency use. Appropriate disposition instructions will be issued to the grantee after completion of Federal agency review.
- C. Property records shall be maintained accurately and provide for: a description of the property; manufacturer's serial number or other identification number; acquisition date and cost; source of the property; percentage of Federal funds used in the purchase of property; location, use, and condition of the property; and ultimate disposition data including sale price or the method used to determine current fair market value if the grantee reimburses the grantor agency for its share.
- D. A physical inventory of property shall be taken and the results reconciled with the property records at least once every two years to verify the existence, current use, and continued need for the property. (See sample form.)
- E. A control system shall be in effect to insure adequate safeguards to prevent loss, damage, or theft to the property. Any loss, damage, or theft of non-expendable property shall be investigated and fully documented.
- F. Adequate maintenance procedures shall be implemented to keep the property in good condition.
- G. Proper sale procedures shall be established for unneeded property which would provide for competition to the extent practicable and result in the highest possible return.
- H. When the total inventory-value of any unused expendable personal property exceeds \$500 at the expiration of need for any Federal grant purposes, the grantee may retain the property or sell the property as long as the grantee compensates the Federal government for its share in the cost. The amount of compensation shall be computed in accordance with 3A (2) (b).
- I. Specific standards for control of intangible property are provided as follows:
- (1) If any program produces patents, patent rights, processes, or inventions, in the course of work aided by a Federal grant, such fact shall be promptly and fully reported to ILEC. ILEC shall determine whether protection on such invention or discovery shall be sought and how the rights in the invention or discovery — including rights under any patent issued thereon — shall be disposed of and administered in order to protect the public interest consistent with Government Patent Policy (President's Memorandum for Heads of Executive Departments and Agencies, August 23, 1971, and Statement of Government Patent Policy as printed in 36 F. R. 16889).
 - (2) Where the grant results in a book or other material which could be copyrighted, the author or grantee is free to copyright the work, but ILEC reserves a

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royalty-free, nonexclusive and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use the work for government purposes.

- J. Records for non-expendable personal property acquired with Federal grant funds shall be retained for three years after the final disposition of the property.

| Inventory Tag No. | Description/Serial No. | Quantity | Unit Cost | When and Where Purchased | Present Location | Used For | LEAA Cost Equity at Acquisition | Present Condition |
|-------------------|------------------------|----------|-----------|--------------------------|------------------|----------|---------------------------------|-------------------|
| <div>SAMPLE</div> | | | | | | | | |

Chapter VII / CONSTRUCTION

- | | |
|--|----|
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1. Identification of Construction Programs

- A. Requirement. Any program or project, or component thereof, which involves the erection, acquisition, expansion, or repair of new or existing buildings or other physical facilities is a construction program for purposes of applicability of the minimum 50 percent grantee contribution to costs.

To the extent that construction is included in any law enforcement action program submitted for a Part C block action grant, and such construction is not described as a separate program, ILEC will specify in its program description that a dual contribution ratio will be applied to construction costs (50-50) and other program costs (applicable ratio) within the larger program.

- B. Qualifications. The following should be noted:

- (1) Minor remodeling or repairs to existing facilities need not be treated as construction programs subject to the 50 percent minimum contribution. Any such work totalling in excess of \$5,000 for any building or facility should be submitted to LEAA by the applicant for written determination that the "minor remodeling and repair" exception is applicable and that the construction matching ratio need not be applied;
- (2) Construction includes the acquisition or installation of initial equipment for new or existing buildings or facilities. Initial equipment includes heating, plumbing and air-conditioning equipment and electrical, elevator, and other building-related equipment and fixtures but does not include removable machinery or equipment (e.g., office equipment, reproduction equipment, etc.) not inherently a part of the building or facility. The latter may be funded at applicable statutory ratios for the programs in which such equipment and machinery will be used;
- (3) No portion of Federal construction grant funds shall be used for the acquisition of land. States should, therefore, consider absorbing land acquisition costs within their share of construction project costs. However, the cost or value of (a) land already beneficially owned by the State prior to the fiscal year in which a construction project is approved or (b) which the State holds under a grant or patent from the United States for which no consideration was given, may not count as a matching share contribution. Land for which consideration was given to the United States must be valued at acquisition cost;
- (4) The cost of a construction project includes the cost of site preparation, including demolition of existing structures. Any proceeds realized from site preparation activities (e.g., salvage value of structures demolished or the proceeds from sale of timber) should be applied to reduce the total cost of the construction project.

2. Special Compliance Requirements

- A. National Environmental Act of 1969. Contracts or subgrants for new construction projects, for the renovation or modification of a facility which leads to an increased occupancy of more than 25 persons, for the implementation of programs involving the use of pesticides or other harmful chemicals, for the implementation of programs involving the use of microwaves or radiation, for research and technology whose anticipated or intended future application could be expected to have a potential effect on the environment, or other actions determined by the LEAA Regional Administration to possibly have a significant effect on the quality of the environment, must contain a draft of an environmental statement in accordance with the National Environmental Policy Act of 1969. This should be either an environmental evaluation or a detailed environmental analysis of the proposed project.

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If the grantee's project involves one of those methods listed above, the grantee may obtain further details and necessary forms from the LEAA Regional Office.

- B. National Historic Preservation Act of 1966. Contracts or subgrants for construction, renovation, purchasing or leasing of facilities, which involve a change in the quality of the historical, architectural, archeological, or cultural character of any district, site, building, structure, or object that is included in the national register of historic places or property eligible for inclusion in the national register, must be analyzed to determine if those changes will have an adverse effect on those historically select properties. Generally, an adverse effect occurs under conditions which include but are not limited to: destruction or alteration of all or part of the property, isolation from or alteration of its surrounding environment, and introduction of visual, audible, or atmospheric elements that are out of character with the property and its setting. The determination of compliance or non-compliance with the National Historic Preservation Act of 1966 must occur during the grant application period, prior to awarding of the grant.
- C. Uniform Relocation Assistance and Real Property Acquisition Policy Act. Construction grants and grants involving the renovation, purchasing or leasing of facilities and the possible relocation of persons displaced as a result thereof must conform to the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, P. A. 91-646. It was enacted to ensure fair and equitable acquisition practices and uniform, fair and equitable treatment of persons displaced by Federal and Federally-assisted programs.

Guidelines for use on this type of construction grant are contained in the LEAA "Guideline Manual" G-4061. 1A which is obtainable through the LEAA Regional Office. Grant application procedures for such grants are contained in the LEAA "Guideline Manual" G-4100.1C, Chapter 1, Paragraph 31.

APPENDIX A



Public Law 93-83
93rd Congress, H. R. 8152
August 6, 1973

An Act

87 STAT. 197

To amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to improve law enforcement and criminal justice, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Crime Control Act of 1973".

SEC. 2. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

Crime
Control Act
of 1973.
82 Stat. 197;
84 Stat. 1881.
42 USC 3701.

"TITLE I—LAW ENFORCEMENT ASSISTANCE**"DECLARATION AND PURPOSE**

"Congress finds that the high incidence of crime in the United States threatens the peace, security, and general welfare of the Nation and its citizens. To reduce and prevent crime and juvenile delinquency, and to insure the greater safety of the people, law enforcement and criminal justice efforts must be better coordinated, intensified, and made more effective at all levels of government.

"Congress finds further that crime is essentially a local problem that must be dealt with by State and local governments if it is to be controlled effectively.

"It is therefore the declared policy of the Congress to assist State and local governments in strengthening and improving law enforcement and criminal justice at every level by national assistance. It is the purpose of this title to (1) encourage States and units of general local government to develop and adopt comprehensive plans based upon their evaluation of State and local problems of law enforcement and criminal justice; (2) authorize grants to States and units of local government in order to improve and strengthen law enforcement and criminal justice; and (3) encourage research and development directed toward the improvement of law enforcement and criminal justice and the development of new methods for the prevention and reduction of crime and the detection, apprehension, and rehabilitation of criminals.

"PART A—LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

"SEC. 101. (a) There is hereby established within the Department of Justice, under the general authority of the Attorney General, a Law Enforcement Assistance Administration (hereinafter referred to in this title as 'Administration') composed of an Administrator of Law Enforcement Assistance and two Deputy Administrators of Law Enforcement Assistance, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(b) The Administrator shall be the head of the agency. One Deputy Administrator shall be designated the Deputy Administrator for Policy Development. The second Deputy Administrator shall be designated the Deputy Administrator for Administration.

"PART B—PLANNING GRANTS

"SEC. 201. It is the purpose of this part to encourage States and units of general local government to develop and adopt comprehensive law enforcement and criminal justice plans based on their evaluation of State and local problems of law enforcement and criminal justice.

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State planning
agencies.

"SEC. 202. The Administration shall make grants to the States for the establishment and operation of State law enforcement and criminal justice planning agencies (hereinafter referred to in this title as 'State planning agencies') for the preparation, development, and revision of the State plan required under section 303 of this title. Any State may make application to the Administration for such grants within six months of the date of enactment of this Act.

"SEC. 203. (a) A grant made under this part to a State shall be utilized by the State to establish and maintain a State planning agency. Such agency shall be created or designated by the chief executive of the State and shall be subject to his jurisdiction. The State planning agency and any regional planning units within the State shall, within their respective jurisdictions, be representative of the law enforcement and criminal justice agencies, units of general local government, and public agencies maintaining programs to reduce and control crime and may include representatives of citizen, professional, and community organizations. The regional planning units within the State shall be comprised of a majority of local elected officials.

Functions.

"(b) The State planning agency shall—

"(1) develop, in accordance with part C, a comprehensive statewide plan for the improvement of law enforcement and criminal justice throughout the State;

"(2) define, develop, and correlate programs and projects for the State and the units of general local government in the State or combinations of States or units for improvement in law enforcement and criminal justice; and

"(3) establish priorities for the improvement in law enforcement and criminal justice throughout the State.

Funds,
availability.

"(c) The State planning agency shall make such arrangements as such agency deems necessary to provide that at least 40 per centum of all Federal funds granted to such agency under this part for any fiscal year will be available to units of general local government or combinations of such units to enable such units and combinations of such units to participate in the formulation of the comprehensive State plan required under this part. The Administration may waive this requirement, in whole or in part, upon a finding that the requirement is inappropriate in view of the respective law enforcement and criminal justice planning responsibilities exercised by the State and its units of general local government and that adherence to the requirement would not contribute to the efficient development of the State plan required under this part. In allocating funds under this subsection, the State planning agency shall assure that major cities and counties within the State receive planning funds to develop comprehensive plans and coordinate functions at the local level. Any portion of such 40 per centum in any State for any fiscal year not required for the purpose set forth in this subsection shall be available for expenditure by such State agency from time to time on dates during such year as the Administration may fix, for the development by it of the State plan required under this part.

Meetings.

"(d) The State planning agency and any other planning organization for the purposes of the title shall hold each meeting open to the public, giving public notice of the time and place of such meeting, and the nature of the business to be transacted, if final action is taken at that meeting on (A) the State plan, or (B) any application for funds under this title. The State planning agency and any other planning organization for the purposes of the title shall provide for public access to all records relating to its functions under this Act, except

Records,
accessability.

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such records as are required to be kept confidential by any other provisions of local, State, or Federal law.

"SEC. 204. A Federal grant authorized under this part shall not exceed 90 per centum of the expenses incurred by the State and units of general local government under this part, and may be up to 100 per centum of the expenses incurred by regional planning units under this part. The non-Federal funding of such expenses, shall be of money appropriated in the aggregate by the State or units of general local government, except that the State shall provide in the aggregate not less than one-half of the non-Federal funding required of units of general local government under this part. Limitation.

"SEC. 205. Funds appropriated to make grants under this part for a fiscal year shall be allocated by the Administration among the States for use therein by the State planning agency or units of general local government, as the case may be. The Administration shall allocate \$200,000 to each of the States; and it shall then allocate the remainder of such funds available among the States according to their relative populations. Funds, allocation.

"PART C—GRANTS FOR LAW ENFORCEMENT PURPOSES

"SEC. 301. (a) It is the purpose of this part to encourage States and units of general local government to carry out programs and projects to improve and strengthen law enforcement and criminal justice.

"(b) The Administration is authorized to make grants to States having comprehensive State plans approved by it under this part, for:

"(1) Public protection, including the development, demonstration, evaluation, implementation, and purchase of methods, devices, facilities, and equipment designed to improve and strengthen law enforcement and criminal justice and reduce crime in public and private places.

"(2) The recruiting of law enforcement and criminal justice personnel and the training of personnel in law enforcement and criminal justice.

"(3) Public education relating to crime prevention and encouraging respect for law and order, including education programs in schools and programs to improve public understanding of and cooperation with law enforcement and criminal justice agencies.

"(4) Constructing buildings or other physical facilities which would fulfill or implement the purpose of this section, including local correctional facilities, centers for the treatment of narcotic addicts, and temporary courtroom facilities in areas of high crime incidence.

"(5) The organization, education, and training of special law enforcement and criminal justice units to combat organized crime, including the establishment and development of State organized crime prevention councils, the recruiting and training of special investigative and prosecuting personnel, and the development of systems for collecting, storing, and disseminating information relating to the control of organized crime.

"(6) The organization, education, and training of regular law enforcement and criminal justice officers, special law enforcement and criminal justice units, and law enforcement reserve units for the prevention, detection, and control of riots and other violent civil disorders, including the acquisition of riot control equipment.

"(7) The recruiting, organization, training, and education of community service officers to serve with and assist local and State

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law enforcement and criminal justice agencies in the discharge of their duties through such activities as recruiting; improvement of police-community relations and grievance resolution mechanisms; community patrol activities; encouragement of neighborhood participation in crime prevention and public safety efforts; and other activities designed to improve police capabilities, public safety and the objectives of this section: *Provided*, That in no case shall a grant be made under this subcategory without the approval of the local government or local law enforcement and criminal justice agency.

"(8) The establishment of a Criminal Justice Coordinating Council for any unit of general local government or any combination of such units within the State, having a population of two hundred and fifty thousand or more, to assure improved planning and coordination of all law enforcement and criminal justice activities.

"(9) The development and operation of community-based delinquent prevention and correctional programs, emphasizing halfway houses and other community-based rehabilitation centers for initial preconviction or post-conviction referral of offenders; expanded probationary programs, including paraprofessional and volunteer participation; and community service centers for the guidance and supervision of potential repeat youthful offenders.

"(10) The establishment of interstate metropolitan regional planning units to prepare and coordinate plans of State and local governments and agencies concerned with regional planning for metropolitan areas.

Prohibition.

"(c) The portion of any Federal grant made under this section for the purposes of paragraph (4) of subsection (b) of this section may be up to 50 per centum of the cost of the program or project specified in the application for such grant. The portion of any Federal grant made under this section to be used for any other purpose set forth in this section may be up to 90 per centum of the cost of the program or project specified in the application for such grant. No part of any grant made under this section for the purpose of renting, leasing, or constructing buildings or other physical facilities shall be used for land acquisition. In the case of a grant under this section to an Indian tribe or other aboriginal group, if the Administration determines that the tribe or group does not have sufficient funds available to meet the local share of the cost of any program or project to be funded under the grant, the Administration may increase the Federal share of the cost thereof to the extent it deems necessary. The non-Federal funding of the cost of any program or project to be funded by a grant under this section shall be of money appropriated in the aggregate, by State or individual units of government, for the purpose of the shared funding of such programs or projects.

Limitation.

"(d) Not more than one-third of any grant made under this section may be expended for the compensation of police and other regular law enforcement and criminal justice personnel. The amount of any such grant expended for the compensation of such personnel shall not exceed the amount of State or local funds made available to increase such compensation. The limitations contained in this subsection shall not apply to the compensation of personnel for time engaged in conducting or undergoing training programs or to the compensation of personnel engaged in research, development, demonstration or other short-term programs.

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"Sec. 302. Any State desiring to participate in the grant program under this part shall establish a State planning agency as described in part B of this title and shall within six months after approval of a planning grant under part B submit to the Administration through such State planning agency a comprehensive State plan developed pursuant to part B of this title. State participation.

"Sec. 303. (a) The Administration shall make grants under this title to a State planning agency if such agency has on file with the Administration an approved comprehensive State plan (not more than one year in age) which conforms with the purposes and requirements of this title. No state plan shall be approved as comprehensive unless the Administration finds that the plan provides for the allocation of adequate assistance to deal with law enforcement and criminal justice problems in areas characterized by both high crime incidence and high law enforcement and criminal justice activity. No State plan shall be approved as comprehensive, unless it includes a comprehensive program, whether or not funded under this title, for the improvement of juvenile justice. Each such plan shall— Comprehensive State plans, requirements.

"(1) provide for the administration of such grants by the State planning agency;

"(2) provide that at least the per centum of Federal assistance granted to the State planning agency under this part for any fiscal year which corresponds to the per centum of the State and local law enforcement expenditures funded and expended in the immediately preceding fiscal year by units of general local government will be made available to such units or combinations of such units in the immediately following fiscal year for the development and implementation of programs and projects for the improvement of law enforcement and criminal justice, and that with respect to such programs or projects the State will provide in the aggregate not less than one-half of the non-Federal funding. Per centum determinations under this paragraph for law enforcement funding and expenditures for such immediately preceding fiscal year shall be based upon the most accurate and complete data available for such fiscal year or for the last fiscal year for which such data are available. The Administration shall have the authority to approve such determinations and to review the accuracy and completeness of such data;

"(3) adequately take into account the needs and requests of the units of general local government in the State and encourage local initiative in the development of programs and projects for improvements in law enforcement and criminal justice, and provide for an appropriately balanced allocation of funds between the State and the units of general local government in the State and among such units;

"(4) provide for procedures under which plans may be submitted to the State planning agency for approval or disapproval, in whole or in part, annually from units of general local government or combinations thereof having a population of at least two hundred and fifty thousand persons to use funds received under this part to carry out a comprehensive plan consistent with the State comprehensive plan for the improvement of law enforcement and criminal justice in the jurisdiction covered by the plan;

"(5) incorporate innovations and advanced techniques and contain a comprehensive outline of priorities for the improvement and coordination of all aspects of law enforcement and criminal justice, dealt with in the plan, including descriptions of: (A)

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general needs and problems; (B) existing systems; (C) available resources; (D) organizational systems and administrative machinery for implementing the plan; (E) the direction, scope, and general types of improvements to be made in the future; and (F) to the extent appropriate, the relationship of the plan to other relevant State or local law enforcement and criminal justice, plans and systems;

"(6) provide for effective utilization of existing facilities and permit and encourage units of general local government to combine or provide for cooperative arrangements with respect to services, facilities, and equipment;

"(7) provide for research and development;

"(8) provide for appropriate review of procedures of actions taken by the State planning agency disapproving an application for which funds are available or terminating or refusing to continue financial assistance to units of general local government or combinations of such units;

"(9) demonstrate the willingness of the State and units of general local government to assume the costs of improvements funded under this part after a reasonable period of Federal assistance;

"(10) demonstrate the willingness of the State to contribute technical assistance or services for programs and projects contemplated by the statewide comprehensive plan and the programs and projects contemplated by units of general local government or combinations of such units;

"(11) set forth policies and procedures designed to assure that Federal funds made available under this title will be so used as not to supplant State or local funds, but to increase the amounts of such funds that would in the absence of such Federal funds be made available for law enforcement and criminal justice;

"(12) provide for such fund accounting, audit, monitoring, and evaluation procedures as may be necessary to assure fiscal control, proper management, and disbursement of funds received under this title;

"(13) provide for the maintenance of such data and information, and for the submission of such reports in such form, at such times, and containing such data and information as the National Institute for Law Enforcement and Criminal Justice may reasonably require to evaluate pursuant to section 402(c) programs and projects carried out under this title and as the Administration may reasonably require to administer other provisions of this title;

"(14) provide funding incentives to those units of general local government that coordinate or combine law enforcement and criminal justice functions or activities with other such units within the State for the purpose of improving law enforcement and criminal justice; and

"(15) provide for procedures that will insure that (A) all applications by units of general local government or combinations thereof to the State planning agency for assistance shall be approved or disapproved, in whole or in part, no later than ninety days after receipt by the State planning agency, (B) if not disapproved (and returned with the reasons for such disapproval, including the reasons for the disapproval of each fairly severable part of such application which is disapproved) within ninety days of such application, any part of such application which is not so disapproved shall be deemed approved for the purposes

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of this title, and the State planning agency shall disburse the approved funds to the applicant in accordance with procedures established by the Administration, (C) the reasons for disapproval of such application or any part thereof, in order to be effective for the purposes of this section, shall contain a detailed explanation of the reasons for which such application or any part thereof was disapproved, or an explanation of what supporting material is necessary for the State planning agency to evaluate such application, and (D) disapproval of any application or part thereof shall not preclude the resubmission of such application or part thereof to the State planning agency at a later date.

Any portion of the per centum to be made available pursuant to paragraph (2) of this section in any State in any fiscal year not required for the purposes set forth in such paragraph (2) shall be available for expenditure by such State agency from time to time on dates during such year as the Administration may fix, for the development and implementation of programs and projects for the improvement of law enforcement and criminal justice and in conformity with the State plan.

Funds,
availability.

"(b) No approval shall be given to any State plan unless and until the Administration finds that such plan reflects a determined effort to improve the quality of law enforcement and criminal justice throughout the State. No award of funds which are allocated to the States under this title on the basis of population shall be made with respect to a program or project other than a program or project contained in an approved plan.

"(c) No plan shall be approved as comprehensive unless it establishes statewide priorities for the improvement and coordination of all aspects of law enforcement and criminal justice, and considers the relationships of activities carried out under this title to related activities being carried out under other Federal programs, the general types of improvements to be made in the future, the effective utilization of existing facilities, the encouragement of cooperative arrangements between units of general local government, innovations and advanced techniques in the design of institutions and facilities, and advanced practices in the recruitment, organization, training, and education of law enforcement and criminal justice personnel. It shall thoroughly address improved court and correctional programs and practices throughout the State.

"SEC. 304. State planning agencies shall receive applications for financial assistance from units of general local government and combinations of such units. When a State planning agency determines that such an application is in accordance with the purposes stated in section 301 and is in conformance with any existing statewide comprehensive law enforcement plan, the State planning agency is authorized to disburse funds to the applicant.

"SEC. 305. Where a State has failed to have a comprehensive State plan approved under this title within the period specified by the Administration for such purpose, the funds allocated for such State under paragraph (1) of section 306(a) of this title shall be available for reallocation by the Administration under paragraph (2) of section 306(a).

Funds,
reallocation.

"SEC. 306. (a) The funds appropriated each fiscal year to make grants under this part shall be allocated by the Administration as follows:

Funds,
allocation.

"(1) Eighty-five per centum of such funds shall be allocated among the States according to their respective populations for grants to State planning agencies.

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"(2) Fifteen per centum of such funds, plus any additional amounts made available by virtue of the application of the provisions of sections 305 and 509 of this title to the grant of any State, may, in the discretion of the Administration, be allocated among the States for grants to State planning agencies, units of general local government, combinations of such units, or private nonprofit organizations, according to the criteria and on the terms and conditions the Administration determines consistent with this title.

Prohibition.

Any grant made from funds available under paragraph (2) of this subsection may be up to 90 per centum of the cost of the program or project for which such grant is made. No part of any grant under such paragraph for the purpose of renting, leasing, or constructing buildings or other physical facilities shall be used for land acquisition. In the case of a grant under such paragraph to an Indian tribe or other aboriginal group, if the Administration determines that the tribe or group does not have sufficient funds available to meet the local share of the costs of any program or project to be funded under the grant, the Administration may increase the Federal share of the cost thereof to the extent it deems necessary. The limitations on the expenditure of portions of grants for the compensation of personnel in subsection (d) of section 301 of this title shall apply to a grant under such paragraph. The non-Federal share of the cost of any program or project to be funded under this section shall be of money appropriated in the aggregate by the State or units of general local government, or provided in the aggregate by a private nonprofit organization. The Administration shall make grants in its discretion under paragraph (2) of this subsection in such a manner as to accord funding incentives to those States or units of general local government that coordinate law enforcement and criminal justice functions and activities with other such States or units of general local government thereof for the purpose of improving law enforcement and criminal justice.

Funds,
reallocation.

"(b) If the Administration determines, on the basis of information available to it during any fiscal year, that a portion of the funds allocated to a State for that fiscal year for grants to the State planning agency of the State will not be required by the State, or that the State will be unable to qualify to receive any portion of the funds under the requirements of this part, that portion shall be available for reallocation to other States under paragraph (1) of subsection (a) of this section.

"Sec. 307. In making grants under this part, the Administration and each State planning agency, as the case may be, shall give special emphasis, where appropriate or feasible, to programs and projects dealing with the prevention, detection, and control of organized crime and of riots and other violent civil disorders.

"Sec. 308. Each State plan submitted to the Administration for approval under section 302 shall be either approved or disapproved, in whole or in part, by the Administration no later than ninety days after the date of submission. If not disapproved (and returned with the reasons for such disapproval) within such ninety days of such application, such plan shall be deemed approved for the purposes of this title. The reasons for disapproval of such plan, in order to be effective for the purposes of this section, shall contain an explanation of which requirements enumerated in section 302(b) such plan fails to comply with, or an explanation of what supporting material is necessary for the Administration to evaluate such plan. For the purposes of this section, the term 'date of submission' means the date on which a State plan which the State has designated as the 'final State plan application' for the appropriate fiscal year is delivered to the Administration.

"Date of
submission."

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"PART D—TRAINING, EDUCATION, RESEARCH, DEMONSTRATION, AND
SPECIAL GRANTS

"SEC. 401. It is the purpose of this part to provide for and encourage training, education, research, and development for the purpose of improving law enforcement and criminal justice, and developing new methods for the prevention and reduction of crime, and the detection and apprehension of criminals.

"SEC. 402. (a) There is established within the Department of Justice a National Institute of Law Enforcement and Criminal Justice (hereafter referred to in this part as 'Institute'). The Institute shall be under the general authority of the Administration. The chief administrative officer of the Institute shall be a Director appointed by the Administrator. It shall be the purpose of the Institute to encourage research and development to improve and strengthen law enforcement and criminal justice, to disseminate the results of such efforts to State and local governments, and to assist in the development and support of programs for the training of law enforcement and criminal justice personnel.

National
Institute of
Law Enforce-
ment and
Criminal
Justice,
establishment.

"(b) The Institute is authorized—

Functions.

"(1) to make grants to, or enter into contracts with, public agencies, institutions of higher education, or private organizations to conduct research, demonstrations, or special projects pertaining to the purposes described in this title, including the development of new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement and criminal justice;

"(2) to make continuing studies and undertake programs of research to develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement and criminal justice, including, but not limited to, the effectiveness of projects or programs carried out under this title;

"(3) to carry out programs of behavioral research designed to provide more accurate information on the causes of crime and the effectiveness of various means of preventing crime, and to evaluate the success of correctional procedures;

"(4) to make recommendations for action which can be taken by Federal, State, and local governments and by private persons and organizations to improve and strengthen law enforcement and criminal justice;

"(5) to carry out programs of instructional assistance consisting of research fellowships for the programs provided under this section, and special workshops for the presentation and dissemination of information resulting from research, demonstrations, and special projects authorized by this title;

"(6) to assist in conducting, at the request of a State or a unit of general local government or a combination thereof, local or regional training programs for the training of State and local law enforcement and criminal justice personnel, including but not limited to those engaged in the investigation of crime and apprehension of criminals, community relations, the prosecution or defense of those charged with crime, corrections, rehabilitation, probation and parole of offenders. Such training activities shall be designed to supplement and improve rather than supplant the training activities of the State and units of general local government and shall not duplicate the training activities of the Federal Bureau of Investigation under section 404 of this title. While participating in the training program or traveling in connection with

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80 Stat. 499;
83 Stat. 190.

participation in the training program, State and local personnel shall be allowed travel expenses and a per diem allowance in the same manner as prescribed under section 5703(b) of title 5, United States Code, for persons employed intermittently in the Government service;

"(7) to carry out a program of collection and dissemination of information obtained by the Institute or other Federal agencies, public agencies, institutions of higher education, or private organizations engaged in projects under this title, including information relating to new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement; and

"(8) to establish a research center to carry out the programs described in this section.

"(c) The Institute shall serve as a national and international clearinghouse for the exchange of information with respect to the improvement of law enforcement and criminal justice, including but not limited to police, courts, prosecutors, public defenders, and corrections.

"The Institute shall undertake, where possible, to evaluate the various programs and projects carried out under this title to determine their impact upon the quality of law enforcement and criminal justice and the extent to which they have met or failed to meet the purposes and policies of this title, and shall disseminate such information to State planning agencies and, upon request, to units of general local government.

Survey.

"The Institute shall, before the end of the fiscal year ending June 30, 1976, survey existing and future personnel needs of the Nation in the field of law enforcement and criminal justice and the adequacy of Federal, State and local programs to meet such needs. Such survey shall specifically determine the effectiveness and sufficiency of the training and academic assistance programs carried out under this title and relate such programs to actual manpower and training requirements in the law enforcement and criminal justice field. In carrying out the provisions of this section, the Director of the Institute shall consult with and make maximum use of statistical and other related information of the Department of Labor, Department of Health, Education, and Welfare, Federal, State and local criminal justice agencies and other appropriate public and private agencies. The Administration shall thereafter, within a reasonable time develop and issue guidelines, based upon the need priorities established by the survey, pursuant to which project grants for training and academic assistance programs shall be made.

Guidelines.

Report to
President,
Congress, and
non-Federal
agencies.

"The Institute shall report annually to the President, the Congress, the State planning agencies, and, upon request, to units of general local government, on the research and development activities undertaken pursuant to paragraphs (1), (2), and (3) of subsection (b), and shall describe in such report the potential benefits of such activities of law enforcement and criminal justice and the results of the evaluations made pursuant to the second paragraph of this subsection. Such report shall also describe the programs of instructional assistance, the special workshops, and the training programs undertaken pursuant to paragraphs (5) and (6) of subsection (b).

Grants,
amounts.

"Sec. 403. A grant authorized under this part may be up to 100 per centum of the total cost of each project for which such grant is made. The Administration or the Institute shall require, whenever feasible, as a condition of approval of a grant under this part, that the recipient contribute money, facilities, or services to carry out the purposes for which the grant is sought.

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"SEC. 404. (a) The Director of the Federal Bureau of Investigation is authorized to—

Training
programs.

"(1) establish and conduct training programs at the Federal Bureau of Investigation National Academy at Quantico, Virginia, to provide, at the request of a State or unit of local government, training for State and local law enforcement and criminal justice personnel;

"(2) develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement and criminal justice;

"(3) assist in conducting, at the request of a State or unit of local government, local and regional training programs for the training of State and local law enforcement and criminal justice personnel engaged in the investigation of crime and the apprehension of criminals. Such training shall be provided only for persons actually employed as State police or highway patrol, police of a unit of local government, sheriffs and their deputies, and other persons as the State or unit may nominate for police training while such persons are actually employed as officers of such State or unit; and

"(4) cooperate with the Institute in the exercise of its responsibilities under section 402(b)(6) of this title.

"(b) In the exercise of the functions, powers, and duties established under this section the Director of the Federal Bureau of Investigation shall be under the general authority of the Attorney General.

"SEC. 405. (a) Subject to the provisions of this section, the Law Enforcement Assistance Act of 1965 (79 Stat. 828) is repealed: *Provided, That—*

18 USC prec.
3001 note.

"(1) The Administration, or the Attorney General until such time as the members of the Administration are appointed, is authorized to obligate funds for the continuation of projects approved under the Law Enforcement Assistance Act of 1965 prior to the date of enactment of this Act to the extent that such approval provided for continuation.

"(2) Any funds obligated under subsection (1) of this section and all activities necessary or appropriate for the review under subsection (3) of this section may be carried out with funds previously appropriated and funds appropriated pursuant to this title.

"(3) Immediately upon establishment of the Administration, it shall be its duty to study, review, and evaluate projects and programs funded under the Law Enforcement Assistance Act of 1965. Continuation of projects and programs under subsections (1) and (2) of this section shall be in the discretion of the Administration.

"SEC. 406. (a) Pursuant to the provisions of subsections (b) and (c) of this section, the Administration is authorized, after appropriate consultation with the Commissioner of Education, to carry out programs of academic educational assistance to improve and strengthen law enforcement and criminal justice.

Educational
assistance
programs.

"(b) The Administration is authorized to enter into contracts to make, and make payments to institutions of higher education for loans, not exceeding \$2,200 per academic year to any person, to persons enrolled on a full-time basis in undergraduate or graduate programs approved by the Administration and leading to degrees or certificates in areas directly related to law enforcement and criminal justice or suitable for persons employed in law enforcement and criminal justice, with special consideration to police or correctional personnel of States or units of general local government on academic

Contract
authority.

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leave to earn such degrees or certificates. Loans to persons assisted under this subsection shall be made on such terms and conditions as the Administration and the institution offering such programs may determine, except that the total amount of any such loan, plus interest, shall be canceled for service as a full-time officer or employee of a law enforcement and criminal justice agency at the rate of 25 per centum of the total amount of such loans plus interest for each complete year of such service or its equivalent of such service, as determined under regulations of the Administration.

Tuition and
fees.

"(c) The Administration is authorized to enter into contracts to make, and make, payments to institutions of higher education for tuition, books and fees, not exceeding \$250 per academic quarter or \$400 per semester for any person, for officers of any publicly funded law enforcement agency enrolled on a full-time or part-time basis in courses included in an undergraduate or graduate program which is approved by the Administration and which leads to a degree or certificate in an area related to law enforcement and criminal justice or an area suitable for persons employed in law enforcement and criminal justice. Assistance under this subsection may be granted only on behalf of an applicant who enters into an agreement to remain in the service of a law enforcement and criminal justice agency employing such applicant for a period of two years following completion of any course for which payments are provided under this subsection, and in the event such service is not completed, to repay the full amount of such payments on such terms and in such manner as the Administration may prescribe.

Service
agreements.

"(d) Full-time teachers or persons preparing for careers as full-time teachers of courses related to law enforcement and criminal justice or suitable for persons employed in law enforcement, in institutions of higher education which are eligible to receive funds under this section, shall be eligible to receive assistance under subsections (b) and (c) of this section as determined under regulations of the Administration.

Grants.

"(e) The Administration is authorized to make grants to or enter into contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the development or demonstration of improved methods of law enforcement and criminal justice education, including—

"(1) planning for the development or expansion of undergraduate or graduate programs in law enforcement and criminal justice;

"(2) education and training of faculty members;

"(3) strengthening the law enforcement and criminal justice aspects of courses leading to an undergraduate, graduate, or professional degree; and

"(4) research into, and development of, methods of educating students or faculty, including the preparation of teaching materials and the planning of curriculums.

The amount of a grant or contract may be up to 75 per centum of the total cost of programs and projects for which a grant or contract is made.

Contract
authority.

"(f) The Administration is authorized to enter into contracts to make, and make, payments to institutions of higher education for grants not exceeding \$65 per week to persons enrolled on a full-time basis in undergraduate or graduate degree programs who are accepted for and serve in full-time internships in law enforcement and criminal justice agencies for not less than eight weeks during any summer

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recess or for any entire quarter or semester on leave from the degree program.

"Sec. 407. (a) The Administration is authorized to establish and support a training program for prosecuting attorneys from State and local officers engaged in the prosecution of organized crime. The program shall be designed to develop new or improved approaches, techniques, systems, manuals, and devices to strengthen prosecutive capabilities against organized crime. Prosecuting attorneys, training program.

"(b) While participating in the training program or traveling in connection with participation in the training program, State and local personnel shall be allowed travel expenses and a per diem allowance in the same manner as prescribed under section 5703(b) of title 5, United States Code, for persons employed intermittently in the Government service. Travel expenses; per diem allowance. 80 Stat. 499.

"(c) The cost of training State and local personnel under this section shall be provided out of funds appropriated to the Administration for the purpose of such training.

"PART E—GRANTS FOR CORRECTIONAL INSTITUTIONS AND FACILITIES

"SEC. 451. It is the purpose of this part to encourage States and units of general local government to develop and implement programs and projects for the construction, acquisition, and renovation of correctional institutions and facilities, and for the improvement of correctional programs and practices.

"SEC. 452. A State desiring to receive a grant under this part for any fiscal year shall, consistent with the basic criteria which the Administration establishes under section 454 of this title, incorporate its application for such grant in the comprehensive State plan submitted to the Administration for that fiscal year in accordance with section 302 of this title.

"SEC. 453. The Administration is authorized to make a grant under this part to a State planning agency if the application incorporated in the comprehensive State plan— Conditions.

"(1) sets forth a comprehensive statewide program for the construction, acquisition, or renovation of correctional institutions and facilities in the State and the improvement of correctional programs and practices throughout the State;

"(2) provides satisfactory assurances that the control of the funds and title to property derived therefrom shall be in a public agency for the uses and purposes provided in this part and that a public agency will administer those funds and that property;

"(3) provides satisfactory assurances that the availability of funds under this part shall not reduce the amount of funds under part C of this title which a State would, in the absence of funds under this part, allocate for purposes of this part;

"(4) provides satisfactory emphasis on the development and operation of community-based correctional facilities and programs, including diagnostic services, halfway houses, probation, and other supervisory release programs for preadjudication and postadjudication referral of delinquents, youthful offenders, and first offenders, and community-oriented programs for the supervision of parolees;

"(5) provides for advanced techniques in the design of institutions and facilities;

"(6) provides, where feasible and desirable, for the sharing of correctional institutions and facilities on a regional basis;

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"(7) provides satisfactory assurances that the personnel standards and programs of the institutions and facilities will reflect advanced practices;

"(8) provides satisfactory assurances that the State is engaging in projects and programs to improve the recruiting, organization, training, and education of personnel employed in correctional activities, including those of probation, parole, and rehabilitation;

"(9) provides necessary arrangements for the development and operation of narcotic and alcoholism treatment programs in correctional institutions and facilities and in connection with probation or other supervisory release programs for all persons, incarcerated or on parole, who are drug addicts, drug abusers, alcoholics, or alcohol abusers;

"(10) complies with the same requirements established for comprehensive State plans under paragraphs (1), (3), (5), (6), (8), (9), (10), (11), (12), (13), (14), and (15) of section 303(a) of this title;

"(11) provides for accurate and complete monitoring of the progress and improvement of the correctional system. Such monitoring shall include rate of prisoner rehabilitation and rates of recidivism in comparison with previous performance of the State or local correctional systems and current performance of other State and local prison systems not included in this program; and

"(12) provides that State and local governments shall submit such annual reports as the Administrator may require.

"SEC. 454. The Administration shall, after consultation with the Federal Bureau of Prisons, by regulation prescribe basic criteria for applicants and grantees under this part.

Guidelines.

"In addition, the Administration shall issue guidelines for drug treatment programs in State and local prisons and for those to which persons on parole are assigned. The Administrator shall coordinate or assure coordination of the development of such guidelines with the Special Action Office For Drug Abuse Prevention.

Funds, allocation.

"SEC. 455. (a) The funds appropriated each fiscal year to make grants under this part shall be allocated by the Administration as follows:

"(1) Fifty per centum of the funds shall be available for grants to State planning agencies.

"(2) The remaining 50 per centum of the funds may be made available, as the Administration may determine, to State planning agencies, units of general local government, or combinations of such units, according to the criteria and on the terms and conditions the Administration determines consistent with this part.

Any grant made from funds available under this part may be up to 90 per centum of the cost of the program or project for which such grant is made. The non-Federal funding of the cost of any program or project to be funded by a grant under this section shall be of money appropriated in the aggregate by the State or units of general local government. No funds awarded under this part may be used for land acquisition.

Prohibition.

Funds, availability for reallocation.

"(b) If the Administration determines, on the basis of information available to it during any fiscal year, that a portion of the funds granted to an applicant for that fiscal year will not be required by the applicant or will become available by virtue of the application of the provisions of section 509 of this title, that portion shall be available for reallocation under paragraph (2) of subsection (a) of this section.

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"PART F—ADMINISTRATIVE PROVISIONS

"SEC. 501. The Administration is authorized, after appropriate Rules and consultation with representatives of States and units of general local regulations. government, to establish such rules, regulations, and procedures as are necessary to the exercise of its functions, and are consistent with the stated purpose of this title.

"SEC. 502. The Administration may delegate to any officer or official of the Administration, or, with the approval of the Attorney General, to any officer of the Department of Justice such functions as it deems appropriate.

"SEC. 503. The functions, powers, and duties specified in this title to be carried out by the Administration shall not be transferred elsewhere in the Department of Justice unless specifically hereafter authorized by the Congress.

"SEC. 504. In carrying out its functions, the Administration, or upon Subpena authorization of the Administration, any member thereof or any hearing examiner assigned to or employed by the Administration, shall have the power to hold hearings, sign and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place in the United States it may designate.

"SEC. 505. Section 5314 of title 5, United States Code, is amended 80 Stat. 460; by adding at the end thereof— 86 Stat. 1211.

"(55) Administrator of Law Enforcement Assistance.'

"SEC. 506. Title 5, United States Code, is amended as follows:

"(a) Section 5315(90) is amended by deleting 'Associate Administrator of Law Enforcement Assistance (2)' and inserting in lieu thereof 'Deputy Administrator for Policy Development of the Law Enforcement Assistance Administration'.

"(b) Section 5316 of title 5, United States Code, is amended by Ante, p. 78. adding at the end thereof the following:

"(133) Deputy Administrator for Administration of the Law Enforcement Assistance Administration.'

"(c) Section 5108(c)(10) is amended by deleting the word 'twenty' 84 Stat. 1889. and inserting in lieu thereof the word 'twenty-two'.

"SEC. 507. Subject to the civil service and classification laws, the Administration is authorized to select, appoint, employ, and fix compensation of such officers and employees, including hearing examiners, as shall be necessary to carry out its powers and duties under this title.

"SEC. 508. The Administration is authorized, on a reimbursable basis Federal agencies, when appropriate, to use the available services, equipment, personnel, facilities, cooperation, and facilities of the Department of Justice and of other civilian or military agencies and instrumentalities of the Federal Government.

(not including the Central Intelligence Agency), and to cooperate with the Department of Justice and such other agencies and instrumentalities in the establishment and use of services, equipment, personnel, and facilities of the Administration. The Administration is further authorized to confer with and avail itself of the cooperation, services, records, and facilities of State, municipal, or other local offices, utilization. agencies, and to receive and utilize, for the purposes of this title, property donated or transferred for the purposes of testing by any other Federal agencies, States, units of general local government, public or private agencies or organizations, institutions of higher education, or individuals.

"SEC. 509. Whenever the Administration, after reasonable notice and Noncompliance, opportunity for hearing to an applicant or a grantee under this title, withholding finds that, with respect to any payments made or to be made under this of payments. title, there is a substantial failure to comply with—

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"(a) the provisions of this title;
 "(b) regulations promulgated by the Administration under this title; or

"(c) a plan or application submitted in accordance with the provisions of this title;
 the Administration shall notify such applicant or grantee that further payments shall not be made (or in its discretion that further payments shall not be made for activities in which there is such failure), until there is no longer such failure.

"SEC. 510. (a) In carrying out the functions vested by this title in the Administration, the determinations, findings, and conclusions of the Administration shall be final and conclusive upon all applicants, except as hereafter provided.

Notice and
 hearing.

"(b) If the application has been rejected or an applicant has been denied a grant or has had a grant, or any portion of a grant, discontinued, or has been given a grant in a lesser amount than such applicant believes appropriate under the provisions of this title, the Administration shall notify the applicant or grantee of its action and set forth the reason for the action taken. Whenever an applicant or grantee requests a hearing on action taken by the Administration on an application or a grant, the Administration, or any authorized officer thereof, is authorized and directed to hold such hearings or investigations at such times and places as the Administration deems necessary, following appropriate and adequate notice to such applicant; and the findings of fact and determinations made by the Administration with respect thereto shall be final and conclusive, except as otherwise provided herein.

Request for
 rehearing.

"(c) If such applicant is still dissatisfied with the findings and determinations of the Administration, following the notice and hearing provided for in subsection (b) of this section, a request may be made for rehearing, under such regulations and procedures as the Administration may establish, and such applicant shall be afforded an opportunity to present such additional information as may be deemed appropriate and pertinent to the matter involved. The findings and determinations of the Administration, following such rehearing, shall be final and conclusive upon all parties concerned, except as hereafter provided.

Review action.

"SEC. 511. (a) If any applicant or grantee is dissatisfied with the Administration's final action with respect to the approval of its application or plan submitted under this title, or any applicant or grantee is dissatisfied with the Administration's final action under section 509 or section 510, such applicant or grantee may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such applicant or grantee is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Administration. The Administration shall thereupon file in the court the record of the proceedings on which the action of the Administration was based, as provided in section 2112 of title 28, United States Code.

72 Stat. 941;
 80 Stat. 1323.

"(b) The determinations and the findings of fact by the Administration, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Administration to take further evidence. The Administration may thereupon make new or modified findings of fact and may modify its previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact or determinations shall likewise be conclusive if supported by substantial evidence.

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"(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Administration or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

62 Stat. 928.

"SEC. 512. Unless otherwise specified in this title, the Administration shall carry out the programs provided for in this title during the fiscal year ending June 30, 1974, and the two succeeding fiscal years.

Programs,
duration.

"SEC. 513. To insure that all Federal assistance to State and local programs under this title is carried out in a coordinated manner, the Administration is authorized to request any Federal department or agency to supply such statistics, data, program reports, and other material as the Administration deems necessary to carry out its functions under this title. Each such department or agency is authorized to cooperate with the Administration and, to the extent permitted by law, to furnish such materials to the Administration. Any Federal department or agency engaged in administering programs related to this title shall, to the maximum extent practicable consult with and seek advice from the Administration to insure fully coordinated efforts, and the Administration shall undertake to coordinate such efforts.

Federal
agencies,
cooperation.

"SEC. 514. The Administration may arrange with and reimburse the heads of other Federal departments and agencies for the performance of any of its functions under this title.

"SEC. 515. The Administration is authorized—

"(a) to conduct evaluation studies of the programs and activities assisted under this title;

"(b) to collect, evaluate, publish, and disseminate statistics and other information on the condition and progress of law enforcement within and without the United States; and

"(c) to cooperate with and render technical assistance to States, units of general local government, combinations of such States or units, or other public or private agencies, organizations, institutions, or international agencies in matters relating to law enforcement and criminal justice.

Funds appropriated for the purposes of this section may be expended by grant or contract, as the Administration may determine to be appropriate.

"SEC. 516. (a) Payments under this title may be made in installments, and in advance or by way of reimbursement, as may be determined by the Administration, and may be used to pay the transportation and subsistence expenses of persons attending conferences or other assemblages notwithstanding the provisions of the joint resolution entitled 'Joint resolution to prohibit expenditure of any moneys for housing, feeding, or transporting conventions or meetings', approved February 2, 1935 (31 U.S.C. sec. 551).

49 Stat. 19.

"(b) Not more than 12 per centum of the sums appropriated for any fiscal year to carry out the provisions of this title may be used within any one State except that this limitation shall not apply to grants made pursuant to part D.

Restriction.

"SEC. 517. (a) The Administration may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates of compensation for individuals not to exceed the daily equivalent of the rate authorized for GS-18 by section 5332 of title 5, United States Code.

Ante, p. 205.

Experts and
consultants.

80 Stat. 416.

5 USC 5332

note.

"(b) The Administration is authorized to appoint, without regard to the civil service laws, technical or other advisory committees to advise the Administration with respect to the administration of this title as it deems necessary. Members of those committees not otherwise

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87 STAT. 214

5 USC 5332
note.
80 Stat. 499;
83 Stat. 190.

in the employ of the United States, while engaged in advising the Administration or attending meetings of the committees, shall be compensated at rates to be fixed by the Administration but not to exceed the daily equivalent of the rate authorized for GS-18 by section 5332 of title 5 of the United States Code and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently.

"SEC. 518. (a) Nothing contained in this title or any other Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over any police force or any other law enforcement and criminal justice agency of any State or any political subdivision thereof.

"(b) Notwithstanding any other provision of law nothing contained in this title shall be construed to authorize the Administration (1) to require, or condition the availability or amount of a grant upon, the adoption by an applicant or grantee under this title of a percentage ratio, quota system, or other program to achieve racial balance or to eliminate racial imbalance in any law enforcement agency, or (2) to deny or discontinue a grant because of the refusal of an applicant or grantee under this title to adopt such a ratio, system, or other program.

Discrimination
prohibition.

"(c) (1) No person in any State shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this title.

Noncompliance.

"(2) Whenever the Administration determines that a State government or any unit of general local government has failed to comply with subsection (c) (1) or an applicable regulation, it shall notify the chief executive of the State of the noncompliance and shall request the chief executive to secure compliance. If within a reasonable time after such notification the chief executive fails or refuses to secure compliance, the Administration shall exercise the powers and functions provided in section 509 of this title, and is authorized concurrently with such exercise—

"(A) to institute an appropriate civil action;

"(B) to exercise the powers and functions pursuant to title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d); or

"(C) to take such other action as may be provided by law.

78 Stat. 252.

"(3) Whenever the Attorney General has reason to believe that a State government or unit of local government is engaged in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

Report to
President and
Congress.

"SEC. 519. On or before December 31 of each year, the Administration shall report to the President and to the Congress on activities pursuant to the provisions of this title during the preceding fiscal year.

Appropriations.

"SEC. 520. There are authorized to be appropriated such sums as are necessary for the purposes of each part of this title, but such sums in the aggregate shall not exceed \$1,000,000,000 for the fiscal year ending June 30, 1974, \$1,000,000,000 for the fiscal year ending June 30, 1975, and \$1,250,000,000 for the fiscal year ending June 30, 1976. Funds appropriated for any fiscal year may remain available for obligation until expended. Beginning in the fiscal year ending June 30,

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1972, and in each fiscal year thereafter there shall be allocated for the purposes of part E an amount equal to not less than 20 per centum of the amount allocated for the purposes of part C.

"Sec. 521. (a) Each recipient of assistance under this Act shall keep such records as the Administration shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Administration or any of its duly authorized representatives, shall have access for purpose of audit and examinations to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this title.

"(c) The Comptroller General of the United States, or any of his duly authorized representatives, shall, until the expiration of three years after the completion of the program or project with which the assistance is used, have access for the purpose of audit and examination to any books, documents, papers and records of recipients of Federal assistance under this title which in the opinion of the Comptroller General may be related or pertinent to the grants, contracts, subcontracts, subgrants, or other arrangements referred to under this title.

"(d) The provisions of this section shall apply to all recipients of assistance under this Act, whether by direct grant or contract from the Administration or by subgrant or subcontract from primary grantees or contractors of the Administration.

"Sec. 522. Section 204(a) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended by inserting 'law enforcement facilities,' immediately after 'transportation facilities,'.

"Sec. 523. Any funds made available under parts B, C, and E prior to July 1, 1973, which are not obligated by a State or unit of general local government may be used to provide up to 90 percent of the cost of any program or project. The non-Federal share of the cost of any such program or project shall be of money appropriated in the aggregate by the State or units of general local government.

"Sec. 524. (a) Except as provided by Federal law other than this title, no officer or employee of the Federal Government, nor any recipient of assistance under the provisions of this title shall use or reveal any research or statistical information furnished under this title by any person and identifiable to any specific private person for any purpose other than the purpose for which it was obtained in accordance with this title. Copies of such information shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceedings.

"(b) All criminal history information collected, stored, or disseminated through support under this title shall contain, to the maximum extent feasible, disposition as well as arrest data where arrest data is included therein. The collection, storage, and dissemination of such information shall take place under procedures reasonably designed to insure that all such information is kept current therein; the Administration shall assure that the security and privacy of all information is adequately provided for and that information shall only be used for law enforcement and criminal justice and other lawful purposes. In addition, an individual who believes that criminal history information concerning him contained in an automated system is inaccurate,

Ante, p. 209.

Ante, p. 199.

Recordkeeping requirements.

GAO audit.

80 Stat. 1262;

82 Stat. 208.

42 USC 3334.

67 STAT. 216

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Penalty.

Surplus prop-
erty, cooper-
ative agree-
ments.
75 Stat. 213.
40 USC 484.

incomplete, or maintained in violation of this title, shall, upon satisfactory verification of his identity, be entitled to review such information and to obtain a copy of it for the purpose of challenge or correction.

"(c) Any person violating the provisions of this section, or of any rule, regulation, or order issued thereunder, shall be fined not to exceed \$10,000, in addition to any other penalty imposed by law.

"Sec. 525. The last two sentences of section 203(n) of the Federal Property and Administrative Services Act of 1949 are amended to read as follows: 'In addition, under such cooperative agreements and subject to such other conditions as may be imposed by the Secretary of Health, Education, and Welfare, or the Director, Office of Civil and Defense Mobilization, or the Administrator, Law Enforcement Assistance Administration, surplus property which the Administrator may approve for donation for use in any State for purposes of law enforcement programs, education, public health, or civil defense, or for research for any such purposes, pursuant to subsection (j)(3) or (j)(4), may with the approval of the Administrator be made available to the State agency after a determination by the Secretary or the Director or the Administrator, Law Enforcement Assistance Administration that such property is necessary to, or would facilitate, the effective operation of the State agency in performing its functions in connection with such program. Upon a determination by the Secretary or the Director or Administrator, Law Enforcement Assistance Administration, that such action is necessary to, or would facilitate, the effective use of such surplus property made available under the terms of a cooperative agreement, title thereto may with the approval of the Administrator be vested in the State agency.'

"PART G—DEFINITIONS

"Sec. 601. As used in this title—

"(a) 'Law enforcement and criminal justice' means any activity pertaining to crime prevention, control or reduction or the enforcement of the criminal law, including, but not limited to police efforts to prevent, control, or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies (including prosecutorial and defender services), activities of corrections, probation, or parole authorities, and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction.

"(b) 'Organized crime' means the unlawful activities of the members of a highly organized, disciplined association engaged in supplying illegal goods and services, including but not limited to gambling, prostitution, loan sharking, narcotics, labor racketeering, and other unlawful activities of members of such organizations.

"(c) 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

"(d) 'Unit of general local government' means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior, or, for the purpose of assistance eligibility, any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia and funds appropriated by the Congress for the activities of such agencies may be used to provide the non-Federal share of the cost of programs or projects funded under this title: *Provided, however*, that

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such assistance eligibility of any agency of the United States Government shall be for the sole purpose of facilitating the transfer of criminal jurisdiction from the United States District Court for the District of Columbia to the Superior Court of the District of Columbia pursuant to the District of Columbia Court Reform and Criminal Procedure Act of 1970.

"(e) 'Combination' as applied to States or units of general local government means any grouping or joining together of such States or units for the purpose of preparing, developing, or implementing a law enforcement plan.

"(f) 'Construction' means the erection, acquisition, expansion, or repair (but not including minor remodeling or minor repairs) of new or existing buildings or other physical facilities, and the acquisition or installation of initial equipment therefor.

"(g) 'State organized crime prevention council' means a council composed of not more than seven persons established pursuant to State law or established by the chief executive of the State for the purpose of this title, or an existing agency so designated, which council shall be broadly representative of law enforcement officials within such State and whose members by virtue of their training or experience shall be knowledgeable in the prevention and control of organized crime.

"(h) 'Metropolitan area' means a standard metropolitan statistical area as established by the Bureau of the Budget, subject, however, to such modifications and extensions as the Administration may determine to be appropriate.

"(i) 'Public agency' means any State, unit of local government, combination of such States or units, or any department, agency, or instrumentality of any of the foregoing.

"(j) 'Institution of higher education' means any such institution as defined by section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)), subject, however, to such modifications and extensions as the Administration may determine to be appropriate.

"(k) 'Community service officer' means any citizen with the capacity, motivation, integrity, and stability to assist in or perform police work but who may not meet ordinary standards for employment as a regular police officer selected from the immediate locality of the police department of which he is to be a part and meeting such other qualifications promulgated in regulations pursuant to section 501 as the Administration may determine to be appropriate to further the purposes of section 301(b)(7) and this Act.

"(l) The term 'correctional institution or facility' means any place for the confinement or rehabilitation of juvenile offenders or individuals charged with or convicted of criminal offenses.

"(m) The term 'comprehensive' means that the plan must be a total and integrated analysis of the problems regarding the law enforcement and criminal justice system within the State; goals, priorities, and standards must be established in the plan and the plan must address methods, organization, and operation performance, physical and human resources necessary to accomplish crime prevention, identification detection, and apprehension of suspects; adjudication; custodial treatment of suspects and offenders, and institutional and noninstitutional rehabilitative measures.

D. C. Code prec.
11-101 note.

79 Stat. 1270;
82 Stat. 1042.

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"(n) The term 'treatment' includes but is not limited to, medical, educational, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative services designed to protect the public and benefit the addict or other user by eliminating his dependence on addicting or other drugs or by controlling his dependence, and his susceptibility to addiction or use.

57 STAT. 217

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"(o) 'Criminal history information' includes records and related data, contained in an automated criminal justice informational system, compiled by law enforcement agencies for purposes of identifying criminal offenders and alleged offenders and maintaining as to such persons summaries of arrests, the nature and disposition of criminal charges, sentencing, confinement, rehabilitation and release.

"PART H—CRIMINAL PENALTIES

"Sec. 651. Whoever embezzles, willfully misapplies, steals, or obtains by fraud or endeavors to embezzle, willfully misapply, steal or obtain by fraud any funds, assets, or property which are the subject of a grant or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the Administration, or whoever receives, conceals, or retains such funds, assets, or property with intent to convert such funds, assets, or property to his use or gain, knowing such funds, assets, or property have been embezzled, willfully misapplied, stolen, or obtained by fraud, shall be fined not more than \$10,000 or imprisoned for not more than five years, or both.

62 Stat. 749.

"Sec. 652. Whoever knowingly and willfully falsifies, conceals, or covers up by trick, scheme, or device, any material fact in any application for assistance submitted pursuant to this title or in any records required to be maintained pursuant to this title shall be subject to prosecution under the provisions of section 1001 of title 18, United States Code.

62 Stat. 701.

"Sec. 653. Any law enforcement and criminal justice program or project underwritten, in whole or in part, by any grant, or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the Administration, shall be subject to the provisions of section 371 of title 18, United States Code.

"PART I—ATTORNEY GENERAL'S BIENNIAL REPORT OF FEDERAL LAW ENFORCEMENT AND CRIMINAL JUSTICE ACTIVITIES

Report to
President and
Congress.

42 USC 3801
note.
18 USC 921
note, 3006A
note, 841,
2510 note.

"Sec. 670. The Attorney General, in consultation with the appropriate officials in the agencies involved, within 90 days of the end of each second fiscal year shall submit to the President and to the Congress a Report of Federal Law Enforcement and Criminal Justice Assistance Activities setting forth the programs conducted, expenditures made, results achieved, plans developed, and problems discovered in the operations and coordination of the various Federal assistance programs relating to crime prevention and control, including, but not limited to, the Juvenile Delinquency Prevention and Control Act of 1968, the Narcotics Addict Rehabilitation Act 1968, the Gun Control Act 1968, the Criminal Justice Act of 1964, title XI of the Organized Crime Control Act of 1970 (relating to the regulation of explosives), and title III of the Omnibus Crime Control and Safe Streets Act of 1968 (relating to wiretapping and electronic surveillance)."

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SEC. 3. The amendments made by this Act shall take effect on and after July 1, 1973, except that the offices and salaries modified under sections 101, 505, and 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 as amended by this Act shall be modified prospectively only, effective on and after the date of the enactment of this Act. Effective dates.

Approved August 6, 1973.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-249 (Comm. on the Judiciary) and No. 93-401 (Comm. of Conference).

SENATE REPORT No. 93-349 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 119 (1973):

June 14, 18, considered and passed House.

June 28, considered and passed Senate, amended, in lieu of S. 1930.

Aug. 2, House and Senate agreed to conference report.



FEDERAL MANAGEMENT CIRCULAR 74-4
(Bureau of the Budget Circular A-87)

EXECUTIVE OFFICE OF THE PRESIDENT
BUREAU OF THE BUDGET
WASHINGTON, D. C. 20503

May 9, 1968

CIRCULAR NO. A-87

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

SUBJECT: Principles for determining costs applicable to grants and contracts with State and local governments

1. Purpose. This Circular promulgates principles and standards for determining costs applicable to grants and contracts with State and local governments. They are designed to provide the basis for a uniform approach to the problem of determining costs and to promote efficiency and better relationships between grantees and their Federal counterparts.
2. Coverage. This Circular applies to all Federal agencies responsible for administering programs that involve grants and contracts with State and local governments. However, it does not apply to grants and contracts with (a) publicly financed educational institutions subject to Bureau of the Budget Circular No. A-21, and (b) publicly owned hospitals and other providers of medical care subject to requirements promulgated by the sponsoring Federal agencies. Any other exceptions will be approved by the Bureau of the Budget in particular cases where adequate justification is presented.
3. Cost Principles. The principles to be followed in determining costs are set forth in Attachment A. Standards with respect to the allowability of selected items of cost are set forth in Attachment B.
4. Effective date. The principles will be applied at the earliest practicable date but not later than January 1, 1969, with respect to State governments and January 1, 1970, with respect to local governments. This arrangement will permit prompt implementation in programs where that is possible, but also allow time for study and development of necessary procedures in more complex programs.

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**PRINCIPLES FOR DETERMINING
COSTS APPLICABLE TO GRANTS AND CONTRACTS
WITH STATE AND LOCAL GOVERNMENTS**

A. Purpose and scope

1. Objectives. This Attachment sets forth principles for determining the allowable costs of programs administered by State and local governments under grants from and contracts with the Federal Government. The principles are for the purpose of cost determination and are not intended to identify the circumstances or dictate the extent of Federal and State or local participation in the financing of a particular grant. They are designed to provide that federally assisted programs bear their fair share of costs recognized under these principles, except where restricted or prohibited by law. No provision for profit or other increment above cost is intended.
2. Policy guides. The application of these principles is based on the fundamental premises that:
 - a. State and local governments are responsible for the efficient and effective administration of grant and contract programs through the application of sound management practices.
 - b. The grantee or contractor assumes the responsibility for seeing that federally assisted program funds have been expended and accounted for consistent with underlying agreements and program objectives.
 - c. Each grantee or contractor organization, in recognition of its own unique combination of staff facilities and experience, will have the primary responsibility for employing whatever form of organization and management techniques may be necessary to assure proper and efficient administration.
3. Application. These principles will be applied by all Federal agencies in determining costs incurred by State and local governments under Federal grants and cost reimbursement type contracts (including subgrants and subcontracts) except those with (a) publicly financed educational institutions subject to Bureau of the Budget Circular A-21, and (b) publicly owned hospitals and other providers of medical care subject to requirements promulgated by the sponsoring Federal agencies.

B. Definitions

1. Approval or authorization of the grantor Federal agency means documentation evidencing consent prior to incurring specific cost.
2. Cost allocation plan means the documentation identifying, accumulating, and distributing allowable costs under grants and contracts together with the allocation methods used.
3. Cost, as used herein, means cost as determined on a cash, accrual, or other basis acceptable to the Federal grantor agency as a discharge of the grantee's accountability for Federal funds.
4. Cost objective means a pool, center, or area established for the accumulation of cost. Such areas include organizational units, functions, objects or items of expense, as well as ultimate cost objectives including specific grants, projects, contracts, and other activities.
5. Federal agency means any department, agency, commission, or instrumentality in the executive branch of the Federal Government which makes grants to or contracts with State or local governments.

6. Grant means an agreement between the Federal Government and a State or local government whereby the Federal Government provides funds or aid in kind to carry out specified programs, services, or activities. The principles and policies stated in this Circular as applicable to grants in general also apply to any federally sponsored cost reimbursement type of agreement performed by a State or local government, including contracts, subcontracts and subgrants.
7. Grant program means those activities and operations of the grantee which are necessary to carry out the purposes of the grant, including any portion of the program financed by the grantee.
8. Grantee means the department or agency of State or local government which is responsible for administration of the grant.
9. Local unit means any political subdivision of government below the State level.
10. Other State or local agencies means departments or agencies of the State or local unit which provide goods, facilities, and services to a grantee.
11. Services, as used herein, means goods and facilities, as well as services.
12. Supporting services means auxiliary functions necessary to sustain the direct effort involved in administering a grant program or an activity providing service to the grant program. These services may be centralized in the grantee department or in some other agency, and include procurement, payroll, personnel functions, maintenance and operation of space, data processing, accounting, budgeting, auditing, mail and messenger service, and the like.

C. Basic guidelines

1. Factors affecting allowability of costs. To be allowable under a grant program, costs must meet the following general criteria:
 - a. Be necessary and reasonable for proper and efficient administration of the grant program, be allocable thereto under these principles, and, except as specifically provided herein, not be a general expense required to carry out the overall responsibilities of State or local governments.
 - b. Be authorized or not prohibited under State or local laws or regulations.
 - c. Conform to any limitations or exclusions set forth in these principles, Federal laws, or other governing limitations as to types or amounts of cost items.
 - d. Be consistent with policies, regulations, and procedures that apply uniformly to both federally assisted and other activities of the unit of government of which the grantee is a part.
 - e. Be accorded consistent treatment through application of generally accepted accounting principles appropriate to the circumstances.
 - f. Not be allocable to or included as a cost of any other federally financed program in either the current or a prior period.
 - g. Be net of all applicable credits.
2. Allocable costs.
 - a. A cost is allocable to a particular cost objective to the extent of benefits received by such objective.

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- b. Any cost allocable to a particular grant or cost objective under the principles provided for in this Circular may not be shifted to other Federal grant programs to overcome fund deficiencies, avoid restrictions imposed by law or grant agreements, or for other reasons.
- c. Where an allocation of joint cost will ultimately result in charges to a grant program, an allocation plan will be required as prescribed in section J.

3. Applicable credits.

- a. Applicable credits refer to those receipts or reduction of expenditure-type transactions which offset or reduce expense items allocable to grants as direct or indirect costs. Examples of such transactions are: purchase discounts; rebates or allowances; recoveries or indemnities on losses; sale of publications, equipment, and scrap; income from personal or incidental services; and adjustments of overpayments or erroneous charges.
- b. Applicable credits may also arise when Federal funds are received or are available from sources other than the grant program involved to finance operations or capital items of the grantee. This includes costs arising from the use or depreciation of items donated or financed by the Federal Government to fulfill matching requirements under another grant program. These types of credits should likewise be used to reduce related expenditures in determining the rates or amounts applicable to a given grant.

D. Composition of cost

1. Total cost. The total cost of a grant program is comprised of the allowable direct cost incident to its performance, plus its allocable portion of allowable indirect costs, less applicable credits.
2. Classification of costs. There is no universal rule for classifying certain costs as either direct or indirect under every accounting system. A cost may be direct with respect to some specific service or function, but indirect with respect to the grant or other ultimate cost objective. It is essential therefore that each item of cost be treated consistently either as a direct or an indirect cost. Specific guides for determining direct and indirect costs allocable under grant programs are provided in the sections which follow.

E. Direct costs

1. General. Direct costs are those that can be identified specifically with a particular cost objective. These costs may be charged directly to grants, contracts, or to other programs against which costs are finally lodged. Direct costs may also be charged to cost objectives used for the accumulation of costs pending distribution in due course to grants and other ultimate cost objectives.
2. Application. Typical direct costs chargeable to grant programs are:
 - a. Compensation of employees for the time and effort devoted specifically to the execution of grant programs
 - b. Cost of materials acquired, consumed, or expended specifically for the purpose of the grant.
 - c. Equipment and other approved capital expenditures.
 - d. Other items of expense incurred specifically to carry out the grant agreement.

- e. Services furnished specifically for the grant program by other agencies, provided such charges are consistent with criteria outlined in Section G. of these principles.

F. Indirect costs

1. General. Indirect costs are those (a) incurred for a common or joint purpose benefiting more than one cost objective, and (b) not readily assignable to the cost objectives specifically benefited, without effort disproportionate to the results achieved. The term "indirect costs," as used herein, applies to costs of this type originating in the grantee department, as well as those incurred by other departments in supplying goods, services, and facilities, to the grantee department. To facilitate equitable distribution of indirect expenses to the cost objectives served, it may be necessary to establish a number of pools of indirect cost within a grantee department or in other agencies providing services to a grantee department. Indirect cost pools should be distributed to benefiting cost objectives on bases which will produce an equitable result in consideration of relative benefits derived.
2. Grantee departmental indirect costs. All grantee departmental indirect costs, including the various levels of supervision, are eligible for allocation to grant programs provided they meet the conditions set forth in this Circular. In lieu of determining the actual amount of grantee departmental indirect cost allocable to a grant program, the following methods may be used:
 - a. Predetermined fixed rates for indirect costs. A predetermined fixed rate for computing indirect costs applicable to a grant may be negotiated annually in situations where the cost experience and other pertinent facts available are deemed sufficient to enable the contracting parties to reach an informed judgment (1) as to the probable level of indirect costs in the grantee department during the period to be covered by the negotiated rate, and (2) that the amount allowable under the predetermined rate would not exceed actual indirect cost.
 - b. Negotiated lump sum for overhead. A negotiated fixed amount in lieu of indirect costs may be appropriate under circumstances where the benefits derived from a grantee department's indirect services cannot be readily determined as in the case of small, self-contained or isolated activity. When this method is used, a determination should be made that the amount negotiated will be approximately the same as the actual indirect cost that may be incurred. Such amount negotiated in lieu of indirect costs will be treated as an offset to total indirect expenses of the grantee department before allocation to remaining activities. The base on which such remaining expenses are allocated should be appropriately adjusted.
3. Limitation on indirect costs.
 - a. Federal grants may be subject to laws that limit the amount of indirect cost that may be allowed. Agencies that sponsor grants of this type will establish procedures which will assure that the amount actually allowed for indirect costs under each such grant does not exceed the maximum allowable under the statutory limitation or the amount otherwise allowable under this Circular, whichever is the smaller.
 - b. When the amount allowable under a statutory limitation is less than the amount otherwise allocable as indirect costs under this Circular, the amount not recoverable as indirect costs under a grant may not be shifted to another federally sponsored grant program or contract.

G. Cost incurred by agencies other than the grantee

1. General. The cost of service provided by other agencies may only include allowable direct

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costs of the service plus a prorata share of allowable supporting costs (section B.12.) and supervision directly required in performing the service, but not supervision of a general nature such as that provided by the head of a department and his staff assistants not directly involved in operations. However, supervision by the head of a department or agency whose sole function is providing the service furnished would be an eligible cost. Supporting costs include those furnished by other units of the supplying department or by other agencies.

2. Alternative methods of determining indirect cost. In lieu of determining actual indirect cost related to a particular service furnished by another agency, either of the following alternative methods may be used provided only one method is used for a specific service during the fiscal year involved.
 - a. Standard indirect rate. An amount equal to ten percent of direct labor cost in providing the service performed by another State agency (excluding overtime, shift, or holiday premiums and fringe benefits) may be allowed in lieu of actual allowable indirect cost for that service.
 - b. Predetermined fixed rate. A predetermined fixed rate for indirect cost of the unit or activity providing service may be negotiated as set forth in section F.2.a.

H. Cost incurred by grantee department for others

1. General. The principles provided in section G. will also be used in determining the cost of services provided by the grantee department to another agency.

Cost allocation plan

1. General. A plan for allocation of costs will be required to support the distribution of any joint costs related to the grant program. All costs included in the plan will be supported by formal accounting records which will substantiate the propriety of eventual charges.
2. Requirements. The allocation plan of the grantee department should cover all joint costs of the department as well as costs to be allocated under plans of other agencies or organizational units which are to be included in the costs of federally sponsored programs. The cost allocation plans of all the agencies rendering services to the grantee department, to the extent feasible, should be presented in a single document. The allocation plan should contain, but not necessarily be limited to, the following:
 - a. The nature and extent of services provided and their relevance to the federally sponsored programs.
 - b. The items of expense to be included.
 - c. The methods to be used in distributing cost.
3. Approval of cost allocation plan. The allocation plan for a given cost area or objective will serve all the Federal agencies involved.
 - a. At the State level, the Department of Health, Education, and Welfare will be responsible for the negotiation and approval of the cost allocation plans for central support services to grant programs. The approved plans will be accepted by other Federal agencies, unless an agency determines that the approved plan would result in significant inequitable or improper charges to programs for which it is responsible. The Department of Health, Education, and Welfare will collaborate with the other Federal agencies concerned in the development of guidance material

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concerning the cost allocation plan and in the negotiation and approval of the plan. It will also collaborate with the States concerning procedures for the administration of the cost allocation plan. The Department of Health, Education, and Welfare will be responsible for the audit of costs resulting from the cost allocation plan, the results of which will be accepted by other Federal agencies.

- b. At the grantee department level in a State, and for local governments, Federal agencies will work towards the objective of designating a single Federal agency, the one with predominant interest, which will have responsibility similar to that set forth in a. above for the negotiation and approval of the cost allocation plan and for the audit of costs.

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STANDARDS FOR SELECTED ITEMS OF COST

A. Purpose and Applicability

1. Objective. This attachment provides standards for determining the allowability of selected items of cost.
2. Application. These standards will apply irrespective of whether a particular item of cost is treated as direct or indirect cost. Failure to mention a particular item of cost in the standards is not intended to imply that it is either allowable or unallowable, rather determination of allowability in each case should be based on the treatment of standards provided for similar or related items of cost. The allowability of the selected items of cost is subject to the general policies and principles stated in Attachment A of this Circular.

B. Allowable Costs

1. Accounting. The cost of establishing and maintaining accounting and other information systems required for the management of grant programs is allowable. This includes cost incurred by central service agencies for these purposes. The cost of maintaining central accounting records required for overall State or local government purposes, such as appropriation and fund accounts by the Treasurer, Comptroller, or similar officials, is considered to be a general expense of government and is not allowable.
2. Advertising. Advertising media includes newspapers, magazines, radio and television programs, direct mail, trade papers, and the like. The advertising costs allowable are those which are solely for:
 - a. Recruitment of personnel required for the grant program.
 - b. Solicitation of bids for the procurement of goods and services required.
 - c. Disposal of scrap or surplus materials acquired in the performance of the grant agreement.
 - d. Other purposes specifically provided for in the grant agreement.
3. Advisory councils. Costs incurred by State advisory councils or committees established pursuant to Federal requirements to carry out grant programs are allowable. The cost of like organizations is allowable when provided for in the grant agreement.
4. Audit service. The cost of audits necessary for the administration and management of functions related to grant programs is allowable.
5. Bonding. Costs of premiums on bonds covering employees who handle grantee agency funds are allowable.
6. Budgeting. Costs incurred for the development, preparation, presentation, and execution of budgets are allowable. Costs for services of a central budget office are generally not allowable since these are costs of general government. However, where employees of the central budget office actively participate in the grantee agency's budget process, the cost of identifiable services is allowable.
7. Building lease management. The administrative cost for lease management which includes review of lease proposals, maintenance of a list of available property for lease, and related activities is allowable.

8. Central stores. The cost of maintaining and operating a central stores organization for supplies, equipment, and materials used either directly or indirectly for grant programs is allowable.
9. Communications. Communication costs incurred for telephone calls or service, telegraph, teletype service, wide area telephone service (WATS), centrex, telpak (tie lines), postage, messenger service and similar expenses are allowable.
10. Compensation for personal services.
 - a. General. Compensation for personal services includes all remuneration, paid currently or accrued, for services rendered during the period of performance under the grant agreement, including but not necessarily limited to wages, salaries, and supplementary compensation and benefits (section B.13.). The costs of such compensation are allowable to the extent that total compensation for individual employees: (1) is reasonable for the services rendered, (2) follows an appointment made in accordance with State or local government laws and rules and which meets Federal merit system or other requirements, where applicable; and (3) is determined and supported as provided in b. below. Compensation for employees engaged in federally assisted activities will be considered reasonable to the extent that it is consistent with that paid for similar work in other activities of the State or local government. In cases where the kinds of employees required for the federally assisted activities are not found in the other activities of the State or local government, compensation will be considered reasonable to the extent that it is comparable to that paid for similar work in the labor market in which the employing government competes for the kind of employees involved. Compensation surveys providing data representative of the labor market involved will be an acceptable basis for evaluating reasonableness.
 - b. Payroll and distribution of time. Amounts charged to grant programs for personal services, regardless of whether treated as direct or indirect costs, will be based on payrolls documented and approved in accordance with generally accepted practice of the State or local agency. Payrolls must be supported by time and attendance or equivalent records for individual employees. Salaries and wages of employees chargeable to more than one grant program or other cost objective will be supported by appropriate time distribution records. The method used should produce an equitable distribution of time and effort.
11. Depreciation and use allowances.
 - a. Grantees may be compensated for the use of buildings, capital improvements, and equipment through use allowances or depreciation. Use allowances are the means of providing compensation in lieu of depreciation or other equivalent costs. However, a combination of the two methods may not be used in connection with a single class of fixed assets.
 - b. The computation of depreciation or use allowance will be based on acquisition cost. Where actual cost records have not been maintained, a reasonable estimate of the original acquisition cost may be used in the computation. The computation will exclude the cost or any portion of the cost of buildings and equipment donated or borne directly or indirectly by the Federal Government through charges to Federal grant programs or otherwise, irrespective of where title was originally vested or where it presently resides. In addition, the computation will also exclude the cost of land. Depreciation or a use allowance on idle or excess facilities is not allowable, except when specifically authorized by the grantor Federal agency.
 - c. Where the depreciation method is followed, adequate property records must be

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maintained, and any generally accepted method of computing depreciation may be used. However, the method of computing depreciation must be consistently applied for any specific asset or class of assets for all affected federally sponsored programs and must result in equitable charges considering the extent of the use of the assets for the benefit of such programs.

- d. In lieu of depreciation, a use allowance for buildings and improvements may be computed at an annual rate not exceeding two percent of acquisition cost. The use allowance for equipment (excluding items properly capitalized as building cost) will be computed at an annual rate not exceeding six and two-thirds percent of acquisition cost of usable equipment.
 - e. No depreciation or use charge may be allowed on any assets that would be considered as fully depreciated, provided, however, that reasonable use charges may be negotiated for any such assets if warranted after taking into consideration the cost of the facility or item involved, the estimated useful life remaining at time of negotiation, the effect of any increased maintenance charges or decreased efficiency due to age, and any other factors pertinent to the utilization of the facility or item for the purpose contemplated.
12. Disbursing service. The cost of disbursing grant program funds by the Treasurer or other designated officer is allowable. Disbursing services cover the processing of checks or warrants, from preparation to redemption, including the necessary records of accountability and reconciliation of such records with related cash accounts.
13. Employee fringe benefits. Costs identified under a. and b. below are allowable to the extent that total compensation for employees is reasonable as defined in section B.10.
- a. Employee benefits in the form of regular compensation paid to employees during periods of authorized absences from the job, such as for annual leave, sick leave, court leave, military leave, and the like, if they are: (1) provided pursuant to an approved leave system, and (2) the cost thereof is equitably allocated to all related activities, including grant programs.
 - b. Employee benefits in the form of employers' contribution or expenses for social security, employees' life and health insurance plans, unemployment insurance coverage, workmen's compensation insurance, pension plans, severance pay, and the like, provided such benefits are granted under approved plans and are distributed equitably to grant programs and to other activities.
14. Employee morale, health and welfare costs. The costs of health or first-aid clinics and/or infirmaries, recreational facilities, employees' counseling services, employee information publications, and any related expenses incurred in accordance with general State or local policy, are allowable. Income generated from any of these activities will be offset against expenses.
15. Exhibits. Costs of exhibits relating specifically to the grant programs are allowable.
16. Legal expenses. The cost of legal expenses required in the administration of grant programs is allowable. Legal services furnished by the chief legal officer of a State or local government or his staff solely for the purpose of discharging his general responsibilities as legal officer are unallowable. Legal expenses for the prosecution of claims against the Federal Government are unallowable.
17. Maintenance and repair. Costs incurred for necessary maintenance, repair, or upkeep of property which neither add to the permanent value of the property nor appreciably prolong its intended life, but keep it in an efficient operating condition, are allowable.

18. Materials and supplies. The cost of materials and supplies necessary to carry out the grant programs is allowable. Purchases made specifically for the grant program should be charged thereto at their actual prices after deducting all cash discounts, trade discounts, rebates, and allowances received by the grantee. Withdrawals from general stores or stockrooms should be charged at cost under any recognized method of pricing consistently applied. Incoming transportation charges are a proper part of material cost.
19. Memberships, subscriptions and professional activities.
- a. Memberships. The cost of membership in civic, business, technical and professional organizations is allowable provided: (1) the benefit from the membership is related to the grant program, (2) the expenditure is for agency membership, (3) the cost of the membership is reasonably related to the value of the services or benefits received, and (4) the expenditure is not for membership in an organization which devotes a substantial part of its activities to influencing legislation.
 - b. Reference material. The cost of books, and subscriptions to civic, business, professional, and technical periodicals is allowable when related to the grant program.
 - c. Meetings and conferences. Costs are allowable when the primary purpose of the meeting is the dissemination of technical information relating to the grant program and they are consistent with regular practices followed for other activities of the grantee.
20. Motor pools. The costs of a service organization which provides automobiles to user grantee agencies at a mileage or fixed rate and/or provides vehicle maintenance, inspection and repair services are allowable.
21. Payroll preparation. The cost of preparing payrolls and maintaining necessary related wage records is allowable.
22. Personnel administration. Costs for the recruitment, examination, certification, classification, training, establishment of pay standards, and related activities for grant programs, are allowable.
23. Printing and reproduction. Cost for printing and reproduction services necessary for grant administration, including but not limited to forms, reports, manuals, and informational literature, are allowable. Publication costs of reports or other media relating to grant program accomplishments or results are allowable when provided for in the grant agreement.
24. Procurement service. The cost of procurement service, including solicitation of bids, preparation and award of contracts, and all phases of contract administration in providing goods, facilities and services for grant programs, is allowable.
25. Taxes. In general, taxes or payments in lieu of taxes which the grantee agency is legally required to pay are allowable.
26. Training and education. The cost of in-service training, customarily provided for employee development, which directly or indirectly benefits grant programs is allowable. Out-of-service training involving extended periods of time is allowable only when specifically authorized by the grantor agency.
27. Transportation. Costs incurred for freight, cartage, express, postage and other transportation costs relating either to goods purchased, delivered, or moved from one location to another are allowable.

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28. Travel. Travel costs are allowable for expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business incident to a grant program. Such costs may be charged on an actual basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip, and results in charges consistent with those normally allowed in like circumstances in nonfederally sponsored activities. The difference in cost between first-class air accommodations and less-than-first-class air accommodations is unallowable except when less-than-first-class-air accommodations are not reasonably available.

C. Costs allowable with approval of grantor agency

1. Automatic data processing. The cost of data processing services to grant programs is allowable. This cost may include rental of equipment or depreciation on grantee-owned equipment. The acquisition of equipment, whether by outright purchase, rental-purchase agreement or other method of purchase, is allowable only upon specific prior approval of the grantor Federal agency as provided under the selected item for capital expenditures.
2. Building space and related facilities. The cost of space in privately or publicly owned buildings used for the benefit of the grant program is allowable subject to the conditions stated below. The total cost of space, whether in a privately or publicly owned building, may not exceed the rental cost of comparable space and facilities in a privately owned building in the same locality. The cost of space procured for grant program usage may not be charged to the program for periods of nonoccupancy, without authorization of the grantor Federal agency.
 - a. Rental cost. The rental cost of space in a privately owned building is allowable.
 - b. Maintenance and operation. The cost of utilities, insurance, security, janitorial services, elevator service, upkeep of grounds, normal repairs and alterations and the like, are allowable to the extent they are not otherwise included in rental or other charges for space.
 - c. Rearrangements and alterations. Cost incurred for rearrangement and alteration of facilities required specifically for the grant program or those that materially increase the value or useful life of the facilities (section C.3.) are allowable when specifically approved by the grantor agency.
 - d. Depreciation and use allowances on publicly owned buildings. These costs are allowable as provided in section B.11.
 - e. Occupancy of space under rental-purchase or a lease with option-to-purchase agreement. The cost of space procured under such arrangements is allowable when specifically approved by the Federal grantor agency.
3. Capital expenditures. The cost of facilities, equipment, other capital assets, and repairs which materially increase the value or useful life of capital assets is allowable when such procurement is specifically approved by the Federal grantor agency. When assets acquired with Federal grant funds are (a) sold, (b) no longer available for use in a federally sponsored program, or (c) used for purposes not authorized by the grantor agency, the Federal grantor agency's equity in the asset will be refunded in the same proportion as Federal participation in its cost. In case any assets are traded on new items, only the net cost of the newly acquired assets is allowable.
4. Insurance and indemnification.
 - a. Costs of insurance required, or approved and maintained pursuant to the grant agreement, is allowable.

- b. Costs of other insurance in connection with the general conduct of activities is allowable subject to the following limitations:
 - (1) Types and extent and cost of coverage will be in accordance with general State or local government policy and sound business practice.
 - (2) Costs of insurance or of contributions to any reserve covering the risk of loss of, or damage to, Federal Government property is unallowable except to the extent that the grantor agency has specifically required or approved such costs.
 - c. Contributions to a reserve for a self-insurance program approved by the Federal grantor agency are allowable to the extent that the type of coverage, extent of coverage, and the rates and premiums would have been allowed had insurance been purchased to cover the risks.
 - d. Actual losses which could have been covered by permissible insurance (through an approved self-insurance program or otherwise) are unallowable unless expressly provided for in the grant agreement. However, costs incurred because of losses not covered under nominal deductible insurance coverage provided in keeping with sound management practice, and minor losses not covered by insurance, such as spoilage, breakage and disappearance of small hand tools which occur in the ordinary course of operations, are allowable.
 - e. Indemnification includes securing the grantee against liabilities to third persons and other losses not compensated by insurance or otherwise. The Government is obligated to indemnify the grantee only to the extent expressly provided for in the grant agreement, except as provided in d. above.
- 5. Management studies. The cost of management studies to improve the effectiveness and efficiency of grant management for ongoing programs is allowable except that the cost of studies performed by agencies other than the grantee department or outside consultants is allowable only when authorized by the Federal grantor agency.
 - 6. Preagreement costs. Costs incurred prior to the effective date of the grant or contract, whether or not they would have been allowable thereunder if incurred after such date, are allowable when specifically provided for in the grant agreement.
 - 7. Professional services. Cost of professional services rendered by individuals or organizations not a part of the grantee department is allowable subject to such prior authorization as may be required by the Federal grantor agency.
 - 8. Proposal costs. Costs of preparing proposals on potential Federal Government grant agreements are allowable when specifically provided for in the grant agreement.

D. Unallowable costs

- 1. Bad debts. Any losses arising from uncollectible accounts and other claims, and related costs, are unallowable.
- 2. Contingencies. Contributions to a contingency reserve or any similar provision for unforeseen events are unallowable.
- 3. Contributions and donations. Unallowable.

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- 4 Entertainment. Costs of amusements, social activities, and incidental costs relating thereto, such as meals, beverages, lodgings, rentals, transportation, and gratuities, are unallowable.
- 5 Fines and penalties. Costs resulting from violations of, or failure to comply with Federal, State and local laws and regulations are unallowable.

STATE BOARD OF ELECTIONS
NOTICE OF PROPOSED AMENDMENT

Please take notice that the State Board of Elections is proposing an amendment to Sections 1.4, 4.1a, 4.2b (1), 4.2b (2) and 4.2c of the State Board of Elections' Travel Regulations. These proposed amendments were filed with the Secretary of State's office as an emergency on January 26, 1978. These proposed amendments are necessitated by recent rate increases by the Governor's Travel Control Board. All responses to these amendments should be directed, in writing, to Daniel J. Hagan, Chief Clerk, State Board of Elections, 1020 South Spring Street, P.O. Box 4187, Springfield, Illinois 62708.

The full text of the proposed amendments is as follows:

STATE BOARD OF ELECTIONS TRAVEL REGULATIONS

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TRAVEL REGULATIONS

SECTION 1

APPLICABILITY AND DEFINITIONS

- 1.1 Applicability - These travel regulations are issued pursuant to provisions of Senate Bill 71 amending Section 148 et al Chapter 127.

They apply to personnel of the State Board of Elections and supersede previous travel regulations.

1.2 Definitions -

a. Headquarters

The official headquarters of a State employee is his designated post of duty or official station in a specified location, the limits of which are no broader than the corporate limits of the city or town in which the employee is stationed and may be as specific as a given building or site.

1.3 Designation of Official Headquarters

The Executive Director shall designate official headquarters for each employee. Generally, the official headquarters of an individual is the place where his official duties will require him to spend the largest part of his working time during the coming fiscal year. In those instances in which the individual's official headquarters is designated as a location other than that at which his official duties require him to spend the largest part of his working time, notification will be made to the Legislative Audit Commission by the first working day of June and December each year. In the case of an individual who is required by his duties to travel almost every working day, the official headquarters may be his place of residence, certified and submitted to the Legislative Audit Commission. Any change in official headquarters designation shall be promptly recorded by the Internal Auditor.

Individuals are not entitled to reimbursement of living expenses while at their official headquarters.

1.4 Non-Travel Meals -

If in exceptional cases the agency head believes it necessary for a meal to be purchased for any non-State officer or employee, the reimbursement for the meal cost shall be limited to the amounts specified in these regulations for meals while on travel status.¹ Reimbursement up to the maximum meal allowance will be permitted for meal expenses incurred while attending a staff conference if approval of the Executive Director was obtained in advance. Reimbursement for a staff conference shall be on an invoice-voucher and charged to Contractual service.

¹Noon luncheon not to exceed ~~\$2.25~~ \$2.50.

SECTION 2

AUTHORITY FOR TRAVEL

2.1 Applicability - All travel of any individual subject to these travel regulations shall be authorized and approved by his supervisor prior to the beginning of the travel.

2.2 Out-of-State Travel - No reimbursement for travel outside the State shall be allowed unless written approval from the Executive Director is obtained in advance. No travel voucher will be approved for reimbursement of out-of-state travel costs unless accompanied by an approved "Request for Travel Authorization". If trips not exceeding 50 miles beyond the boundaries of Illinois are made into neighboring states; no advance written approval is required.

SECTION 3

ALLOWABLE TRANSPORTATION EXPENSES

3.1 Definition -

- a. Modes of transportation authorized for official travel include automobiles, railroads, airlines, buses, taxicabs, and other usual means of conveyance. Transportation may include fares and such expenses incidental to transportation as baggage transfer, official telephone messages in connection with items classed as transportation, and reasonable tips.
- b. Reimbursement for taxicab fares incurred in the efficient and economical pursuit of the State's business will be allowed. All taxicab fares for \$5.00 and over shall be accompanied by a receipt indicating the amount paid. When transportation by airport limousine is available and convenient, it shall be used in lieu of a taxi.
- c. Reimbursement of expenses between the residence and the official headquarters of any individual subject to these regulations shall not be allowed.

3.2 Routing of Travel - All travel shall be by the most direct route. Travel by other routes may be allowed when the official necessity therefor is satisfactorily established.

In case an individual for his own convenience travels by an indirect route or interrupts travel by direct route, he shall bear the extra expense. Reimbursement for expenses shall be based only on such charges as would have been incurred by the most direct and economical route.

3.3 Mode of Travel - All travel shall be by the most economical mode of transportation available, considering travel time, costs, and work requirements.

3.4 Accommodations on airplanes and trains -

a. Airplane Accommodations

- (1) Travel on airplanes shall ordinarily be coach class.
- (2) Reimbursement for first-class accommodations on commercial air carriers shall be explained on the travel voucher and shall be permitted only when:
 - a. Regularly scheduled flights between authorized origin and destination points provide only first class accommodations.
 - b. Space is not available in less-than- first-class accommodations in time to carry out the purpose of the travel.

b. Train Accommodations

- (1) Sleeping car accommodation: one standard roomette when night travel is involved.
- (2) Parlor car and coach accommodations: one seat in a sleeping or parlor car will be allowed unless the travel order or other administrative determination specifies that coach accommodations be used. Where adequate coach accommodations are available, officials authorizing travel will assure that coach accommodations are used to the maximum extent possible, on the basis of advantage to the State, suitability and convenience to the traveler, and nature of the business involved.

3.5 Use of privately owned conveyance -

- a. The use of privately owned motor vehicles and aircraft for State business is not permitted except when such use is necessary or desirable due to a lack of other convenient means of transportation or is otherwise advantageous to the State.

The traveler shall inquire as soon as the need for an automobile is determined as to the availability of State Motor Pool vehicles. If state-owned transportation is not readily available the traveler shall disclose the necessity of using a private vehicle by attaching an explanation to his travel voucher.

- b. When an individual rendering service to the State used privately owned motor vehicles in the conduct of official business outside his official headquarters and such use is authorized or approved as advantageous to the State, payment shall be made on a mileage basis at rates not to exceed 13 cents for the use of privately owned automobiles or airplanes.
- c. Reimbursement for the cost of automobile parking fees and bridge, road and tunnel tolls shall be allowed. The fee for parking an automobile at a common carrier terminal, or other parking area, while the traveler is away from his official headquarters, shall be allowed only to the extent that the fee, plus the allowable mileage reimbursement to and from the terminal or other parking area, does not exceed the cost for use of a limousine or taxicab to and from the terminal.

When transportation is authorized or approved by privately owned automobiles, distances between points traveled will be shown in official highway mileage guides or on official State of Illinois maps. Any substantial deviations from distances shown in the standard highway

mileage guides shall be explained. Where no guides or maps are available, odometer readings may be used. Travel within and in the vicinity of a city may be reported as mileage in and around such city.

- d. When the use of public transportation is a reasonable alternative, the mileage payment shall not exceed the cost of its use. A reasonable alternative exists when the cost of travel, taking into account both transportation, time and per diem expenses, would be less if public transportation were used.
- e. Mileage will be payable to only one of two or more individuals traveling in the same vehicle. The names of the individuals and employing agency shall be stated on the travel voucher.

3.6 Intra-Headquarters Travel -

- a. In general, nominal transportation related to State business within the vicinity of the designated headquarters is a non-reimbursable expense. If the amount of such transportation becomes financially significant to the employee, he may make a specific request to the Executive Director for reimbursement. If reimbursement is granted by the Executive Director, the amount shall be determined by the applicable rate limitations as stated in the Board's Travel Regulations.
- b. Transportation to an airport, train station, or other point of departure within the vicinity of the designated headquarters is reimbursable only to the extent that the actual expense incurred does not exceed that applicable to the cost of transporting from the headquarters to the point of departure. This precludes reimbursement of the portion of the expense applicable to the distance between the employee's residence and his designated headquarters as stipulated in Section 3.1(c).

SECTION 4

LIVING EXPENSES

4.1 Living Expenses Incurred -

- a. Personal living expenses of travel shall be reimbursed on either a "per diem allowance" or a "maximum living expenses incurred" basis according to the following criteria:

For travel of less than 18 hours during the same calendar day or when a night's lodging is not required, the per diem allowance is not permitted and living expenses shall be allowed on a basis of living expenses incurred. No reimbursement will be made under paragraphs 4.1 or 4.2 for the cost of meals which is included as an integral part of a conference registration fee. Maximum amounts per meal which can be reimbursed to an individual on an actual expense basis are as follows:

Breakfast ~~\$1.75~~ \$2.50
(Must leave before 6:00 a.m.)

Lunch Not Allowed

Dinner ~~\$6.00~~ \$8.00
(Return after 7:30 p.m.)

It is not necessary for such traveler to submit receipts with travel vouchers to support food reimbursements.

- b. Employees will not be reimbursed for lunches taken on days when overnight travel is not involved. When it is necessary for employees to work at a location from which they could not reasonably expect to return to their headquarters by 7:30 p.m., they will be entitled to reimbursement of the evening meal in accordance with the limitations provided for in ~~Section 4.1(a)~~ of the Travel Regulations.

- c. In addition, such traveler may receive reimbursement for special expenses as provided in paragraph 4.3.

4.2 Per Diem Allowance

- a. The per diem allowance is applicable only when the travel period is over night or exceeds 18 hours or more.

The per diem allowance provided in these regulations is given in lieu of the expenses reimbursable under the "maximum living expenses incurred" basis.

- b. The per diem allowance for travel on official business consists of the following three elements and may be authorized or approved within the following maximums:

- (1) ~~\$12~~ \$13 to cover the cost of meals and incidental travel expenses, telegrams and telephone calls reserving hotel accommodations, laundry and dry cleaning. Receipts need not be submitted to support this allowance.

- (1a) Out-of-state per diem is the same as in-state.

- (2) The actual cost of accommodations, excluding tips shall not be in excess of ~~\$15.00~~ \$16.00 per day plus Tax*¹ (or not in excess of ~~\$18.00~~ \$19.00 per day plus tax in the Chicago metropolitan area, or in excess of \$32.00 per day plus tax when traveling out of state*²).

The Chicago metropolitan area is defined as the Counties of Cook, Will, DuPage, Kane, McHenry, and Lake.

Receipts are to be submitted with travel vouchers to support accommodation expenses claimed.

Exceptions to the ~~\$15.00~~ \$16.00 down-state rate are:

- 1 ~~\$16.50~~ \$19.00 - Springfield within walking distance of the State Capitol complex.

\$25.00 - O'Hare Field area (defined as a two mile radius of O'Hare Field).

\$19.00 - Peoria.

- 2 \$20.00 per day plus tax is allowed at ~~the Bismarek Hotel in Downtown Chicago~~ in the area immediately surrounding the State of Illinois Building.

- (3) Reimbursement for "special expenses" as provided in Paragraph 4.3.

- c. Day Defined - In computing the per diem in lieu of living expenses incurred for continuous travel of more than 18 hours or when a night's lodging is required, midnight to midnight will be the unit.

For fractional parts of a day at the commencement or ending of such continuous travel constituting a travel period, one-fourth of the ~~\$12.00~~ \$13.00 allowance for a calendar day will be allowed for each period of 6 hours or fraction thereof. Such 6 hour period shall commence at midnight, 6:00 a.m., noon, 6:00 p.m.

Examples

Mr. Jones leaves Springfield at 8:30 a.m. for Chicago after eating breakfast at home and returns to Springfield the same day at 9:30 p.m. having had lunch and dinner in Chicago. He has neither been gone more than 18 hours nor stayed overnight. He is therefore entitled only to maximum living expenses incurred ~~(\$6.00)~~ (\$8.00) and not per diem.

Mr. Jones leaves Springfield at 6:30 p.m. to go to Chicago to make an evening speech. He returns to Springfield at 8:30 a.m. the next morning. He has not been gone 18 hours

but he has stayed overnight and therefore qualifies for per diem. He is entitled to reimbursement for three-quarters of the per diem, or ~~\$9.00~~ \$9.75 (one quarter the first day, two quarters the second), plus the actual cost of hotel accommodations up to ~~\$18.00~~ \$19.00 plus tax.

Mr. Jones leaves Springfield at 1:30 p.m. to go to Vienna and returns the next day at 9:30 p.m. He may claim $1\frac{1}{2}$ days per diem (6 quarters) or ~~\$18.00~~ \$19.50 plus the actual cost of hotel accommodations up to ~~\$15.00~~ \$16.00 plus tax.

- 4.3 Special Expenses - The cost of miscellaneous other expenses incurred shall be allowed if reasonable to a traveler who is on either the per diem or actual living expenses incurred basis. The following are examples of special expenses for which reimbursement may or may not be given:

Reimbursable

Stenographic and typing services
Storage of baggage
Hire of room for official business
Telephone calls on official business

Non-Reimbursable

Laundry and dry cleaning
Entertainment
Alcoholic beverages

All special expenses shall be itemized on the travel voucher, if separately claimed.

- 4.4 Time of Departure and Arrival -

- a. The date and hour of departure from and arrival at the place at which official travel begins and ends, and points at which temporary duty is performed shall be shown on the travel voucher where such arrival or departure affects the allowance or other travel expenses.

Other points visited shall be shown on the voucher; time of arrival and departure need not be shown.

- b. Where, for the traveler's personal convenience or through the taking of leave, there is interruption of travel or deviation from the direct route, any allowance allowed shall not exceed that which would have been incurred in uninterrupted travel by a usually traveled route. (See Section 3.2)

4.5 No Allowance at Official Headquarters -

No travel expenses shall be allowed an individual either at his official headquarters or at his place of abode from which he commutes daily to his official headquarters.

SECTION 5

EXCEPTIONS TO THE REGULATIONS

5.1 General Exceptions - Requested in Advance -

The Travel Control Board may grant general exceptions to the above rules when necessary to meet special circumstances and in the best interests of the State. All such exception approvals shall be in writing and shall be attached to the travel voucher before it is processed for payment.

5.2 Ex Post Facto Exceptions -

The Travel Control Board will review and act upon all exceptions to the above rules on travel vouchers.

SECTION 6

TRAVEL VOUCHERS

6.1 Memorandum of Expenditures -

A memorandum of all travel expenditures properly chargeable to the State shall be kept by individuals subject to these travel regulations. The information thus accumulated shall be available for the proper preparation of travel vouchers and shall be retained for a period of 18 months for audit purposes.

6.2 Preparation of Travel Vouchers -

- a. All claims for the reimbursement of traveling expenses shall be submitted on authorized travel reimbursement forms and shall be itemized in accordance with these regulations.
- b. The travel voucher shall be supported by a copy of the travel authorization if out-of-state travel is included.
(See Section 2.2)
- c. The travel voucher shall show in the space provided the dates of travel, the purpose of the trip, the points of departure and destination, mode of transportation, and the cost of the transportation secured.
- d. When a privately owned vehicle is used, the travel voucher shall show the dates and points of travel, mileage, and mode of transportation. If the distance traveled between any given points is greater than the usual route between these points, shown on the official State road map, the reason for the greater distance shall be stated. (See Section 3.2)
- e. Travel vouchers shall be supported by receipts in all instances for railroad

and airplane transportation, for lodging, and all other items, individually of \$5.00 and over, except for meals and incidental items as stated in Section 4.

- f. The travel expense voucher shall be prepared in quadruplicate, either typewritten or in ink. All copies of the voucher shall be signed by the individual who has incurred the expense and by his supervisor. The individual's name should also be typewritten or printed below the signature line.
- g. Each person submitting a travel voucher must certify on the travel voucher, as required by the provisions of the Illinois Revised Statutes, Chap. 127, Par. 148:

"Each voucher for traveling expenses shall indicate the purpose of the travel as required by applicable travel regulations, shall be itemized and shall be accompanied by all receipts specified in the applicable travel regulations and by a certificate signed by the person incurring such expense, certifying that the amount is correct and just; that the detailed items charged are taken and verified from a memorandum kept by such persons; that the amounts charged for subsistence were actually paid; that the expenses were occasioned by official business or unavoidable delays requiring the stay of such person at hotels for the time specified; that the journey was performed with all practical dispatch by the shortest route usually traveled in the customary, reasonable manner; and that such person had not been furnished with transportation or money in lieu thereof, for any part of the journey therein charged for."

Individuals submitting travel vouchers are personally responsible for their accuracy and propriety. Any misrepresentation shall be cause for disciplinary or legal action.

6.3 Approval and Submission of Travel Vouchers -

- a. Each voucher shall be first approved by the individual's immediate supervisor who shall certify that the travel shown was required by official duties.
- b. The travel voucher shall then be approved by the Board or their designated representative, who shall sign the original of the voucher.
- c. Travel vouchers that are not prepared in accordance with these regulations or not properly supported by receipts when required, shall be returned to the originator for correction.

6.4 Frequency of Submission -

Travel vouchers will be submitted no later than within 14 days of the end of the month in which travel expense was incurred. Travel vouchers may be submitted when total reimbursable expenses exceed \$50.00.

6.5 Items Billed Directly -

No requests for reimbursement shall be made for items of expenditure in connection with travel which are billed directly to the State (for example, by use of a State credit card). However, such charges shall be itemized on the employee's travel voucher. In all such cases, a copy of the charge ticket shall also be attached. Such expenses shall not be in excess of the maximum allowed.

6.6 Exceptions to Restrictions. -

- a. Travel vouchers involving an exception to these travel regulations not approved in advance by the Travel Control Board under Paragraph 5.1 shall not be processed for payment by the Fiscal Control Section until the Board has acted upon the exceptions. The information copy of the voucher

shall be filed with the Internal Auditor (a member of the Travel Control Board) at the same time that the travel voucher is submitted for reimbursement. All copies of travel vouchers involving exceptions shall bear a statement that a copy of the voucher has been filed with the Auditor General.

Approvals made by the Travel Control Board granting exceptions to the travel regulations must be in writing and shall be signed by the members of the Board. The approval authorization must state the reason for the approval and should be attached to all copies of the travel voucher before payment is made.

- b. Post audit procedures will periodically be applied to paid travel vouchers not involving prior rulings by the Travel Control Board. If the audits disclose an exception has been incorrectly processed, the exception will be submitted by the Internal Auditor to the Travel Control Board for consideration. If the exception is denied, the excess amount paid will be refunded to the State and deposited in the fund from which payment was made.

STATE BOARD OF ELECTIONS
NOTICE OF PROPOSED AMENDMENT

Proposed adoption of amendment to Regulation 1976-10 which was filed as an emergency on January 26, 1978, expanding the authority of the Regulation to Community College District Elections and requiring qualified civic organizations to register with election authority if they seek entitlement to pollwatchers.

This regulation will bring pollwatcher requirements in Community College Districts into conformity with those requirements presently in force in School Districts. As Community College District and School District Elections are held simultaneously, as a rule, such conformity is desirable. Moreover, this regulation provides for conformity, as regards pollwatcher requirements, between Community College Districts and School Districts and other election jurisdictions, e.g., counties and municipalities. The requirement that qualified civic organizations register with the election authority provides for orderly issuance of proper pollwatcher credentials.

The text of Proposed amendment to Regulation 1976-10, as amended, is as follows:

STATE BOARD OF ELECTIONS

Amended Regulation 1976-10

CHALLENGERS AND POLLWATCHERS FOR
SCHOOL DISTRICTS AND COMMUNITY COLLEGE DISTRICTS

WHEREAS, pursuant to the rule making authority of the State Board of Elections and for the purpose of providing uniform provisions for the electorate and organized groups of the electorate to serve as challengers and watchers at elections; and

~~WHEREAS, any voter in a School District general election may have his right to vote challenged by a voter at such election; and~~

~~WHEREAS, a voter in a School District general election must have attained 18 years of age, must have resided in the State and School District for 28 days immediately preceding the school election and be registered to vote in general elections from a residence located in the School District; now therefore, the State Board of Elections hereby adopts the following regulation relating to challengers and watchers.~~

For School District or Community College District general elections, challengers and watchers shall hereinafter be classified, for the purpose of credential issuance, as "pollwatchers". The qualification and allowable number of pollwatchers for an Election shall be:

GENERAL-ELECTION

- 1.1. Candidates are permitted two pollwatchers per precinct. Such pollwatchers must be registered as voters in the School District or Community College District in which they are pollwatching.
- 1.2. A qualified civic organization, which has among its purposes the investigation or prosecution of election fraud, is entitled to one pollwatcher per precinct. Such qualified civic organization must be registered with the election authority. Such pollwatcher must be registered as a voter in the School District or Community College District in which he is pollwatching.
- 1.3. Organized proponents of a ballot proposition are entitled to two pollwatchers per precinct. Organized opponents of a ballot proposition are entitled to two pollwatchers per precinct. Such proponent and opponent organizations must be registered with the election authority. Such proponent and opponent pollwatchers must be registered as voters in the School District or Community College District in which they are pollwatchers.
(Amended January 18, 1978.)

TIME AND MANNER IN WHICH INTERESTED PERSONS MAY PRESENT THEIR VIEWS
CONCERNING THE PROPOSED REGULATION

All interested persons are invited to comment upon this proposed change. All responses should be directed in writing, within 14 days of the publication of this proposed regulation in the Illinois Register, to Michael E. Lavelle, Chairman, State Board of Elections, Room 300, 100 North LaSalle Street, Chicago, Illinois (60602).

Statutory Authority

Chapter 46, Article 1A-8(9) (Illinois Revised Statutes) authorizes the State Board of Elections to promulgate rules and regulations in performance of its duty to supervise the administration of the registration and election laws throughout the State.

STATE BOARD OF ELECTIONS
NOTICE OF PROPOSED REGULATION

Proposed adoption of a new regulation, Section 9.11, Filing Option for a Federal Political Committee, to be included in Part 9 of the Campaign Finance Regulations. This new regulation was filed as an emergency on January 26, 1978.

"Person" is defined by Section 1.07 of the Campaign Finance Regulations as "an individual, trust, partnership, committee, association, corporation or any other organization or group of persons."

This regulation will permit any person, as defined by Section 1.07 of the Campaign Finance Regulations, who qualifies as a political committee under the provisions of the Campaign Financing Act, as amended, to comply with the disclosure provisions of the Campaign Financing Act by filing copies of its reports of receipts and expenditures that are being filed with the Federal Election Commission. Such copies are to be filed with the State Board of Elections and/or the County Clerk, as the case may be, and shall be filed at the same time that such reports are filed with the Federal Election Commission. Such copies shall be filed in lieu of the reports of contributions and expenditures that are presently required by the Campaign Financing Act.

The text of the proposed new Regulation 9.11 is as follows:

9.11 Filing Option for a Federal Political Committee

Any "person," as defined by the Illinois Campaign Financing Act, qualifying as a political committee under such Act, may choose to comply with the provisions of the Illinois Campaign Financing Act by simultaneously filing all Federal Election Commission Reports with either the State Board of Elections, County Clerk, or both, as the case may be.

A political committee may choose to file reports pursuant to this regulation, either by amendment or for the first time, by stating on Part 7 of the Illinois Statement of Organization (Form D-1) the following, "Campaign Financing Reports will be filed pursuant to Section 9.11, Campaign Financing Regulations, State Board of Elections."

A political committee filing reports pursuant to this regulation for the first time shall additionally

file a copy of its last regular report on file with the Federal Election Commission.

A federal political committee, also qualifying as a state political committee under the Illinois Campaign Financing Act, shall simultaneously file a copy of all Federal Election Commission Reports with the State Board of Elections.

A federal political committee, also qualifying as a local political committee under the Illinois Campaign Financing Act, shall simultaneously file a copy of all Federal Election Commission Reports with the local County Clerk.

This regulation shall not authorize any person to receive or expend in Illinois an anonymous contribution on behalf of or in opposition to a candidate covered by the Illinois Campaign Financing Act; or in support of or in opposition to a question of public policy.

Time and Manner in which Interested Persons may present their views concerning the proposed Emergency Regulation

All interested persons are invited to comment upon this proposed regulation. All responses should be directed in writing, within 14 days of the publication of this proposed regulation in the Illinois Register, to Michael E. Lavelle, Chairman, State Board of Elections, Room 300, 100 North LaSalle Street, Chicago, Illinois (60602).

Statutory Authority

Chapter 46, Article 9-15(3) (Illinois Revised Statutes) authorizes the State Board of Elections to promulgate rules and regulations regarding the Illinois Public Disclosure laws.

NOTICE: EMERGENCY ADOPTION

Name of Agency: Illinois Department of Conservation

Statutory Authority: This Administrative Order is authorized by Chapter 56, 57½, 61 and 105 of the Illinois Revised Statutes.

Effective Date: The effective date of this Administrative Order shall be March 17, 1978.

Explanation of
Emergency: The Illinois Department of Conservation adopts this new rule on an emergency basis due to severe weather we have been experiencing in Illinois.

The adopted rule covers the following:

ARTICLE CXXXIX - RULES AND REGULATIONS PERTAINING TO ACTIVITIES ON LICENSED GAME BREEDING AND SHOOTING PRESERVE AREAS. THESE RULES AND REGULATIONS ARE ISSUED IN ACCORDANCE WITH THE PROVISIONS OF THE "GAME CODE OF 1971" (CHAPTER 61, SECTION 3.30, 1978)

SECTION 1. The 1977-78 hunting season closing date for licensed Game Breeding and Shooting Preserve Areas is hereby changed from sunset, March 31, 1978, to sunset, April 16, 1978.

DEPARTMENT OF LAW ENFORCEMENT MERIT BOARDEMERGENCY ADOPTION OF DEPARTMENT OF LAW ENFORCEMENT
MERIT BOARD RULES AND REGULATIONS

Emergency Rules Become Effective Upon Filing with the
Secretary of State and Remain Effective for a
Period Not To Exceed 150 Days.

Please Take Notice that this is an emergency adoption of new Rules and Regulations of the Department of Law Enforcement Merit Board. The complete text of these rules and regulations follows hereafter.

This emergency adoption is necessary because of the enactment of Public Act 80-56, "An Act reorganizing the Department of Law Enforcement", effective July 1, 1977.

The Department of Law Enforcement Merit Board Rules and Regulations, authorized under rule making powers in Chapter 121, Paragraph 307.8, Illinois Revised Statutes, outlines the procedures for the formulating, adopting, and putting into effect rules, regulations and procedures for its operation and the transaction of its business.

The contents of these rules and regulations include the following:

RULE I ORGANIZATION AND MEETINGS OF THE BOARD

- 1-1 Chairman and Secretary
- 1-2 Regular and Special Meetings
- 1-3 Quorum and Voting
- 1-4 Office
- 1-5 Definitions

RULE II CERTIFICATION FOR APPOINTMENT

- 2-1 Qualifications
- 2-2 Lateral Appointments of Investigators
- 2-3 Selection Procedures
- 2-4 Recertification
- 2-5 Probationary Period

RULE III CLASSIFICATION OF RANKS

- 3-1 Ranks
- 3-2 Specialized Administrative Assignments
- 3-3 Interdivisional Transfers

RULE IV CERTIFICATION FOR PROMOTION

- 4-1 Board Responsibilities
- 4-2 Eligibility
- 4-3 Procedures
- 4-4 Promotion Probationary Period

RULE V DISCIPLINARY ACTION

- 5-1 Merit Board Jurisdiction
- 5-2 Discipline Afforded the Superintendent & Deputy Director(s)
- 5-3 Notification to Suspended Officer
- 5-4 Petition for Review
- 5-5 Form and Content of Petition for Review
- 5-6 Filing Procedures
- 5-7 Procedure for Processing Petition for Review
- 5-8 Director's Review
- 5-9 Discipline Afforded the Director
- 5-10 Complaint Procedures
- 5-11 Scheduling the Hearing
- 5-12 Notification to Officer

RULE VI HEARINGS

- 6-1 Board Docket
- 6-2 Hearing Officer
- 6-3 Pre-hearing Conferences
- 6-4 Motions
- 6-5 Subpoenas
- 6-6 Request for Witnesses or Documents
- 6-7 Evidence Depositions
- 6-8 Hearing Procedures
- 6-9 Continuances and Extensions of Time
- 6-10 Computation of Time
- 6-11 Decisions of the Board
- 6-12 Service and Form of Papers

The full text of the Rules and Regulations shall follow:

DEPARTMENT OF LAW ENFORCEMENT MERIT BOARD

RULES - REGULATIONS - PROCEDURES

RULES, REGULATIONS AND PROCEDURES

DEPARTMENT OF LAW ENFORCEMENT MERIT BOARD

In accordance with the provisions of the Illinois State Police Act, Chapter 121, Section 307.8, Illinois Revised Statutes and Title VII of the Civil Rights Act of 1964, as revised, the following Rules, Regulations and Procedures of the Board are hereby adopted:

Rule I

ORGANIZATION AND MEETINGS OF THE BOARD

1-1

Chairman and Secretary: A chairman and secretary shall be elected for two years from among the members of the Board. The chairman shall preside at all meetings. The secretary shall insure that a minutes book of all actions and decisions of the Board rendered at each meeting is maintained. In the absence or disability of the chairman and secretary, other members may be selected to act in these positions temporarily.

1-2

Regular and Special Meetings: Such meetings shall be held on a prescribed basis or at the call of the chairman. Regular meetings shall be held quarterly on the second Wednesday of July, October, January and April. Special meetings called by the chairman shall be in writing as to purpose, date, time, and place and delivered to each board member at least three days in advance of the meeting.

ILLINOIS REGISTER

DEPARTMENT OF LAW ENFORCEMENT MERIT BOARD.

RULES - REGULATIONS - PROCEDURES

COMPLAINT - A written statement of charges filed by the Director seeking suspension in excess of thirty days, demotion, or discharge;

DAYS - Calendar days;

DEPUTY DIRECTOR - Deputy Director in charge of a Division within the Department of Law Enforcement;

DIRECTOR - Director of the Department of Law Enforcement;

DIVISION - A Division within the Department of Law Enforcement;

EXECUTIVE SECRETARY - Executive Secretary of the Board;

FELONY - An offense for which a sentence to death or to a term of imprisonment in a penitentiary for one year or more is provided;

HEARING OFFICER - A person duly qualified and designated by the Board to preside over disciplinary hearings;

HEARING REPORTER - A certified court reporter selected by the Board to transcribe hearings;

MEDICAL DIRECTOR - A medical doctor appointed by the Board in an advisory capacity;

NOTICE OF DISCIPLINARY ACTION - A written statement by the Director, Deputy Director(s), or Superintendent imposing disciplinary measures of less than thirty

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1-3 Quorum and Voting: Three members of the Board shall constitute a quorum for the transaction of business. Concurrence of at least three members is necessary to render a decision.

1-4 Office: The Board shall maintain an office with files and records in Springfield, Illinois for the necessary transaction of business.

1-5 Definitions: As used in these Rules, the following terms shall have the meanings specified:

ACT - State Police Act and all amendments thereto;

APPOINTMENT - The Director's authority to assign certified candidates to sworn positions in the Department of Law Enforcement or to assign candidates to the Academy;

BOARD - The Department of Law Enforcement Merit Board;

BOARD DOCKET - A chronological record of all motions, orders, notices, petitions and other documents filed in each disciplinary procedure before the Board;

CERTIFICATION - The Board's authority to designate candidates eligible for appointment or promotion;

CHAIRMAN - Chairman of the Department of Law Enforcement Merit Board;

CLASSIFICATION OF RANKS - Delineation of the standards and qualifications for each designated rank;

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days suspension, restitution; written reprimand,
or loss of regular days off;

ORDER - A written decision of the Board;

PETITION FOR REVIEW OF SUSPENSION - A written state-
ment by a suspended officer seeking a review by the
Board of a suspension of less than thirty days;

PROMOTION - The Director's authority to advance
certified sworn officers to the next higher rank;

SUPERINTENDENT - Superintendent of the Division of
State Police;

SUSPENSION - Temporary removal of a sworn officer
from duty without pay;

SWORN OFFICER - Any State Police Officer or Special
Agent of the Department of Law Enforcement.

Rule II

2-1

CERTIFICATION FOR APPOINTMENT

Qualifications: The Board shall certify to the
Director in writing qualified candidates for appoint-
ment as Sworn Law Enforcement Officers of the
Department. Qualified candidates shall:

- (a) Be at least twenty-one years of age and have
not reached their thirty-seventh birthday.
Persons twenty years of age may be certified
if they have successfully completed 2 years
(60 semester hours, 90 quarter hours accredited)
of law enforcement studies at an accredited
college or university.

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- (b) Be a high school graduate or possess a high school equivalency certificate. Assignment as a Special Agent requires that the applicant possess a bachelor's degree; or have successfully completed two years of college (60 semester hours, 90 quarter hours) and have five years of law enforcement experience as defined in the Illinois Revised Statutes, Chapter 85, Section 502, Paragraph f.
- (c) Have vision at, or corrected to, 20/20 in each eye with no color blindness, and 100% depth perception.
- (d) Be physically fit and agile with weight in proportion to height and no amputations which affect or interfere with the nature of work.
- (e) Be a citizen of the United States with no felony convictions.
- (f) Accept assignment anywhere in the State.
- (g) Possess a valid driver's license at time of application.
- (h) Successfully complete mental and physical tests and background investigation as prescribed by the Board.

The Board may certify more applicants than there are vacant positions at the time of certification. Such certified candidates shall be eligible for appointment for a period of time designated by the Board.

2-2

Lateral Appointments of Investigators: The Director may make lateral appointments of not more than twenty persons as Special Agents prior to July 1, 1980. Such appointments shall meet all of the criteria outlined in Section 2-1 of these Rules with the following exceptions:

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- (a) Such appointments need not meet the maximum age requisites as outlined in paragraph 2-1a.
- (b) Such appointments need not meet the educational requisites as outlined in paragraph 2-1b.
- (c) Such appointees will serve a one year probationary period and successfully complete such training as deemed necessary by the Director.
- (d) The Director will specify in writing to the Board, for ratification, the existing Departmental needs for such appointments.

2-3

Selection Procedures: Procedures shall consist of:

- Application
- Physical Ability Test
- Written Entrance Examination
- Oral Interview
- Background Investigation
- Medical Examination

Preference shall be given to all persons who have honorably served in the Military or Naval Services of the United States.

2-4

Recertification: Upon request of the Director, the Board shall consider for recertification sworn officers who have resigned in good standing. The Board shall render such decisions and make recertifications on an individual basis. The Director may reappoint after recertification.

2-5

Probationary Period: All appointees to the Department of Law Enforcement by the Director shall serve a

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probationary period of twelve months from the date of appointment, and during such period may be discharged at the will of the Director.

Rule III

CLASSIFICATION OF RANKS

3-1

Ranks: The Board shall classify sworn officers in one of the following ranks; and shall set standards and qualifications for these ranks.

| <u>State Police Officers</u> | <u>Special Agents</u> |
|------------------------------|-----------------------|
| Deputy Superintendent* | Special Agent VII* |
| Major | Special Agent VI |
| Captain | Special Agent V |
| Lieutenant | Special Agent IV |
| Sergeant | Special Agent III |
| Corporal | Special Agent II |
| Trooper | Special Agent I |

*Specialized Administrative Assignments.

3-2

Specialized Administrative Assignments: Such assignments shall be designated by one of the following titles:

Assistant Director
Deputy Director
Assistant Deputy Director
Deputy Superintendent
Special Agent VII

A sworn officer of any rank may receive a special administrative assignment from the Director. Any officer so assigned serves at the will of the Director, and at the termination of any such assignment, the officer shall maintain his/her permanent rank. Such assignment shall not be considered a promotion. Removal from the special administrative assignment shall not be considered a demotion or other disciplinary measure.

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3-3

Interdivisional Transfers: Sworn officers employed by the Department prior to July 1, 1977, may be transferred interdivisionally without meeting the educational requisites as outlined in Rule 2-1.

Rule IV

CERTIFICATION FOR PROMOTIONS

4-1

Board Responsibilities: The Board shall make certifications for promotions on the basis of ascertained merit, seniority in service, and physical and mental examinations. Examinations for promotion will be given at least once each calendar year at such times and locations as may be determined.

4-2

Eligibility: Candidates will be eligible to take the promotional examination only for that rank immediately above the candidate's permanent rank and, depending upon their primary assignment, either within the State Police Officer or Special Agent classification. In addition,

- (a) They shall have served in the Department for at least one (1) year from the date of their graduation from the Department of Law Enforcement Academy or from the date of their special appointment on the date the examination is given;
- (b) They shall have served a minimum of one (1) year in their current rank on the date the examination is given;
- (c) Sworn officers on leave of absence or disability leave at the time the promotional screening process is initiated are not eligible. The process is initiated when the deadline for responding to the examination announcement has passed;

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- (d) No officer having a specialized administrative assignment, as defined in 3-2 of these Rules, will be eligible to compete in the promotional process. However, should certification for promotion exist previous to the date of such assignment, the individual will be eligible for promotion.

4-3

Procedures:

- (a) The Board will provide each eligible officer with official notification announcing the examination and providing response instructions;
- (b) Candidates for promotion must complete examinations for promotion within the time designated by the Board. No make up examinations will be allowed;
- (c) Such candidates must have taken the most recent examination offered by the Board to be eligible for certification for promotion. All candidates taking the examination for each rank will be advised of their total promotional score and standing;
- (d) A minimum of seventy-five percent (75%) of the total promotional score will consist of a written examination and/or a job performance measurement. The remaining percentage (25%) of the total promotional score will consist of any combination of the following factors:
- Education
 - Seniority
 - Oral Examination
- (e) The Board shall provide in the promotional announcement the percentage weight to be applied to each promotional factor and considering the number of vacancies projected indicate the percentage of those competing in each rank that will be certified;
- (f) There will be a statewide certification list for each rank. The order of eligibility on each list will be based upon the cumulative total of all factors included in the total promotional score;

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- (g) The top three (3) candidates on the certification list for the ranks of Captain, Major, Special Agent V or VI are equally eligible for consideration for promotion by the Director; however, in the event of a tied score all candidates obtaining such score shall be equally eligible for promotional consideration. The Director may promote any one of the eligible candidates at any time:
- As promotions are accepted, that candidate with the next highest total promotional score on the list becomes equally eligible for promotion; however, in the event of a tied score all candidates obtaining such score shall be equally eligible for promotional consideration;
 - Eligible candidates on the certification list may decline an offer of promotion without losing position on the certification list. In the event of declination, that candidate with the next highest total promotional score becomes equally eligible for promotion; however, in the event of a tied score, all candidates obtaining such score shall be equally eligible for promotional consideration;
 - Once a promotion is accepted, the certification list reverts to the top three ranked candidates;
- (h) The top ten candidates on the certification list for the ranks of Corporal, Sergeant, Lieutenant, Special Agent II, III, or IV are equally eligible for consideration for promotion by the Director; however, in the event of a tied score, all candidates obtaining such score shall be eligible for promotional consideration. The Director may promote any one of the eligible candidates at any time:
- As promotions are accepted, that candidate with the next highest total promotional score on the list becomes equally eligible for promotion; however, in the event of a tied score, all candidates obtaining such score shall be equally eligible for promotional consideration;

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- Eligible candidates on the certification list may decline an offer of promotion without losing position on the certification list. In the event of a declination, that candidate with the next highest total promotional score becomes equally eligible for promotion; however, in the event of a tied score all candidates obtaining such score shall be equally eligible for promotional consideration;
 - Once a promotion is accepted, the certification list reverts to the top ten ranked candidates;
- (i) Upon written notification from the Department to the Board that a candidate on the certification list has been suspended, is on leave of absence, or has applied for disability benefits, the Board will remove the candidate's name from the certification list. The candidate's name will be restored on the list in a position in proper relation to the total promotional scores remaining when the suspension or leave of absence terminates or the disability is removed;
- (j) The certification list shall remain in force until the new certification list has been established; however, in the event that a certification list becomes exhausted, the Director may file a written request with the Board asking for the certification of additional names on any one list.

4-4 Promotion Probationary Period: All promotions shall be for a probationary period of one year during which time the Director may return the officer to that officer's prior rank.

Rule V DISCIPLINARY ACTION

5-1 Merit Board Jurisdiction: The Board shall exercise jurisdiction over the discipline, removal, demotion and suspension of those appointed as sworn officers. Disciplinary measures prescribed by the Board may be

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taken by the Superintendent, Deputy Director, or Director, as outlined below, and such actions shall be in response to violation of any Rules and Regulations of the applicable divisions as promulgated by the Department. The Board will not consider any complaint based upon conduct which antedates by three years the date the complaint is filed.

5-2

Discipline Afforded the Superintendent and Deputy

Director(s): The Superintendent/Deputy Director may take disciplinary action against a sworn officer assigned to their respective division without presenting the matter to the Board; however, a "Notice of Disciplinary Action" shall be filed with the Board at the time such action is taken. Such action shall include any one or all of the following:

- (a) Suspend any sworn officer for violation of the Rules and Regulations of the applicable division for any period not to exceed thirty days.
- (b) Require restitution for negligent damage, destruction, or loss of State property. Such action may be taken when an investigation of the incident leading to the loss or damage demonstrates that the conduct of the officer was negligent. Violation of the applicable division Rules and Regulations creates a rebuttable presumption of negligence.
- (c) Require a sworn officer to work one regular day off per week, not to exceed three regular days off for any one incident. In no case may a sworn officer be required to work more than ten regular days off in a twelve month period.
- (d) Issue a written reprimand or letter of admonition.

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- 5-3 Notification to Suspended Officer: The Superintendent or Deputy Director shall notify the suspended officer by letter or by telegram of that officer's suspension, which notification shall state the time and date the suspension is to begin and end. This notification shall also inform the officer of the date(s), when known, of the alleged violation(s), the specific rules and regulations violated, the specific disciplinary action to be taken and the officer's right to petition for review within 24 hours.
- 5-4 Petition for Review: Any sworn officers so suspended, within 24 hours after suspension, may petition the Board in writing to review the suspension. The Board shall, no later than thirty (30) days after the date of the request for review, set the written petition for hearing before the Board upon not less than ten (10) days notice.
- 5-5 Form and Content of Petition for Review: The Petition for Review shall set forth the following information:
- o Name, rank, and address of petitioner.
 - o Date of appointment.
 - o Date and time the notice of suspension was received and the date and time it was to begin or began.
 - o A copy of the notice of suspension or the quoted contents of the notice of suspension.

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- o A statement showing the specific reasons why the petitioner feels the suspension should be reviewed by the Board.

5-6

Filing Procedures:

- (a) The Petition for Review must be filed prior to or within 24 hours after the time the suspension begins. Failure to so file within such time limits will result in an automatic dismissal of the appeal.
- (b) The Petition for Review shall be deemed as filed with the Board when accomplished in any of the following ways:
 - Filed in person or by a representative of the officer at the Board Office during regular business hours, from 8:30 a.m. to 5:00 p.m., Monday through Friday, or
 - Mailed to the Board Office by certified or registered mail. The Post Office record as recorded on the envelope shall be considered as the date and time of filing such petition with the Board, or
 - A telegram sent to the Board containing information required in Paragraph 5-5 and a statement that the officer desires to appeal his/her suspension and is immediately mailing the required Petition. In that instance, the time and date on the telegram shall be considered as the date and time of filing such petition with the Board.

5-7

Procedure for Processing Petition for Review: Upon receipt of the Petition, the Merit Board will mail two copies thereof to the petitioner's respective Superintendent or Deputy Director advising that party of the receipt of the Petition and setting forth the date, time, and place of hearing on said Petition which shall be not later than thirty (30) days from

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the date of the request for review, and upon not less than ten (10) days notice. The Board will notify the petitioner and his/her attorney (if any) by certified mail, of the time and place of the hearing. The hearing will be conducted in accordance with Rule VI of these Rules.

5-8

Director's Review: A sworn officer who receives discipline other than suspension as outlined in Paragraphs 5-2b, c, and d of this Rule may within 24 hours submit a written appeal for review to the Director. The Director shall sustain, reduce or reverse such action.

5-9

Discipline Afforded the Director: The Director shall have the authority to file written charges with the Board requesting that for cause, the officer be removed, demoted, or suspended for any period exceeding thirty days.

5-10

Complaint Procedures: In all cases where the Director initiates discipline, the Director shall file with the Board a written complaint consisting of an original and six (6) copies setting forth a plain, clear and concise statement of the facts upon which the complaint is based. The complaint shall include the title and text of the rule(s) or regulation(s), when known, and the specific disciplinary action requested by the Director. The hearing will be conducted in accordance with Rule VI of these Rules.

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- 5-11 Scheduling the Hearing: The Board shall upon receipt of the written charges, set a date for the hearing which shall be scheduled not later than thirty (30) days after receipt of the charges, and give not less than ten (10) days notice of the hearing to all parties. The Board may order either removal, demotion, suspension for a period of not more than 180 days, or such other disciplinary punishment as may be prescribed by the Rules and Regulations of the Board.
- 5-12 Notification to Officer: On receipt of the original and six copies of the complaint from the Director, the Board will send a written notice to the sworn officer, enclosing a copy of the complaint. This notice shall advise the officer of the filing of the complaint and notify the officer of the time and place of hearing of the charges contained in the complaint. The notice, with the enclosed copy of the complaint, shall be sent to the employee by either registered or certified mail, return receipt requested, to the residence of the employee shown on the face of the complaint. Such delivery to the officer's residence as is shown by the return receipt shall be due service of the complaint on the sworn officer. A copy of the notice to the sworn officer shall be mailed to the Director, and shall constitute due notice to the Director of the time and place of the hearing on the complaint.

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Rule VI

HEARINGS

6-1

Board Docket: Upon receipt of "Notice of Disciplinary Action" or "Complaint" from the Department, the Board shall enter the matter on its docket of cases and assign the matter a number on its docket sheet. Henceforth, the proceeding shall be known as: "IN THE MATTER OF ____": and it shall thereafter be a part of the official records of the Board.

6-2

Hearing Officer: A Hearing Officer may be appointed by the Board and shall have the authority to conduct hearings, administer oaths, examine witnesses, and issue orders subject to Board review.

6-3

Pre-hearing Conferences: Pursuant to all proceedings, the Board, or a duly appointed Hearing Officer, may hold one or more pre-hearing conferences. At all such conferences, the parties (or their attorneys) shall appear as directed to consider among other things:

- Motions filed in the proceeding.
- Simplification of the issues.
- Amendments to the pleadings.
- Possible stipulations or admissions regarding facts and documents of concern to the proceeding.
- Discovery procedures.
- Such other matters as may aid in the simplification and disposition of the proceeding.

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- 6-4 Motions: Prior to the commencement of the hearing, any party may present written motions that are relevant and directed to matters of concern to the proceedings. All motions shall be filed with the Board and served upon all parties, and shall contain:
- (a) A specific statement of the matter of concern.
 - (b) A statement of the specific relief or order sought.
 - (c) A statement of the facts and authority which support the relief or order sought.
- Motions shall be acted on by the Board or a Hearing Officer duly appointed for the proceedings. A written order expressing the Board's action thereon shall be served on all parties and shall be entered in the official record of the proceeding.
- 6-5 Subpoenas: The Director, the sworn officer, or the counsel of record may, no later than five (5) days before the hearing, make application to the Board by filing with it a written request for subpoenas for individuals to appear for a hearing, or have them produce books, papers, records, accounts, and other documents as may be deemed by the Board to be relevant to the hearing. On the filing of such application, subpoenas will be issued for the named persons. The Board will not undertake the service of subpoenas. Application for subpoenas should contain the names and addresses of the individuals to be subpoenaed, and the identity of any documents which they are to produce.

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Any motion for continuance by reason of inability to serve subpoenas shall be filed in the office of the Board at least five (5) days before the date set for such hearing, with the provision that the Board in its discretion may waive this rule.

6-6 Request for Witnesses or Documents: Upon timely request prior to a hearing on the merits, each party to the proceeding before the Board shall serve upon the other party:

- (a) A list of the names and addresses of the witnesses the party proposes to call.
- (b) All documents the party proposes to offer in its case and brief.
- (c) All statements of the party's witnesses which may be used by the adverse party for the purpose of cross examination.

The Board may exclude documents or testimony to enforce this rule.

6-7 Evidence Depositions: Upon order of the Hearing Officer, or the Board, any party may cause a deposition of any witness to be taken for use as evidence in a Board proceeding. The deposition may be taken in the manner provided by law for depositions in civil actions in the courts of this State.

6-8 Hearing Procedures:

- (a) All hearings shall be public.
- (b) At the time and place of the hearing, both the Director and sworn officer may be represented by counsel if they so desire.

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- (c) All proceedings before the Board during the conduct of the hearing shall be recorded by a reporter to be employed by the Board.
- (d) The records of all hearings will not be transcribed by the reporter unless requested by the Board or any party of interest.
- (e) All witnesses shall be sworn prior to testifying.
- (f) The matter will be decided by the Board on evidence presented at the hearing. The Department shall be required to prove its case by a preponderance of evidence.
- (g) Each party may make an opening statement after which the Department will present its case. Thereafter, the officer may present and examine those witnesses the officer desires the Board to hear. All parties shall have the right to cross-examine witnesses presented by the opposite party.
- (h) A copy of any rules and regulations certified by the Director, Deputy Director, or Superintendent shall be received in evidence with the same effect as the original.
- (i) In the hearing of any case, any party or his agent may be called and examined as if under cross-examination at the instance of any adverse party. The party calling for the examination is not concluded thereby, but may rebut the testimony thus given by counter-testimony and may impeach the witness by proof of prior inconsistent statements.
- (j) If the Hearing Officer determines that a witness is hostile or unwilling, the witness may be examined by the party calling him as if under cross-examination. The party calling an occurrence witness may, upon showing that he called the witness in good faith but is surprised by his testimony, impeach the witness by proof of prior inconsistent statements.

6-9

Continuances and Extensions of Time:

- (a) The Board, or a Hearing Officer appointed by the Board to conduct a hearing, may for good cause shown on timely motion after notice to the opposite party, continue or extend any date or proceeding scheduled under these rules.

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- (b) Granting or denying a continuance or extension is within the discretion of the Board or the Hearing Officer.
- (c) Except for emergencies, motions for continuances or extensions to be deemed timely filed must be asserted at least 72 hours prior to the scheduled event towards which relief is sought.

6-10

Computation of Time: The time within which any act under these Rules is to be done shall be computed by excluding the first day and including the last, unless the last day is Sunday or is a holiday as defined or fixed in any statute now or hereafter in force in the State, and then it shall also be excluded. If the day succeeding such Sunday or holiday is also a holiday or a Sunday, then such succeeding day shall also be excluded.

6-11

Decisions of the Board: All decisions of the Board will be announced within 45 days of the close of the hearing, as outlined below:

- (a) After the hearing on a complaint, the Board shall render a written decision outlining the findings of fact upon which the decision is based and mail it by either registered or certified mail, return receipt requested, to the officer charged. A copy of said decision shall be mailed to the Director. The decision will find the officer guilty, if the charges are established by a preponderance of the evidence, or not guilty. If the order finds the officer guilty of any or all of the accusations included in the complaint, the Board may order the officer's discharge, demotion, or a suspension for a period of not more than 180 days, which ever punishment in the opinion of the Board is most applicable. If the officer is found not guilty, the Board may order the officer reinstated with full back pay.

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- (b) After the hearing on a petition for review, the Board will render a written decision outlining the fact upon which the decision is based, and promulgate an order reflecting this decision, mailing both to the petitioner by either registered or certified mail, return receipt requested. The Board may sustain, reduce, or reverse the action of the Deputy Director or Superintendent; and in the event of reversal or reduction, direct that the officer receive the pay for the appropriate period involved. The Board may not increase the extent of disciplinary measures upon appeal of a suspension of up to 30 days. The Board shall render its decision, in writing, within 45 days of the close of the hearing. Such decision shall be supported by a statement of finding of facts. A copy of said decision shall be mailed to the attorney(s) of record, the Director and the Superintendent or Deputy Director that initiated the action.
- (c) The Director shall carry out the order of the Board, and if the accused officer refuses to abide by order, the Director shall remove the officer forthwith.


6-12

Service and Form of Papers: All papers required by these Rules and Regulations to be served shall be delivered personally to the party designated or mailed by United States mail in an envelope properly addressed, with postage pre-paid, to the designated party at the party's last known residence reflected by the Complaint or Petition for Review filed with the Board. Proof of service of any paper may be made by the certification of any person so mailing the paper or delivering the same to the designated party personally, or by filing a return receipt showing that the paper was mailed, by either registered or certified mail, return receipt requested, to a party's address where it was received

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by a named party. Service on the Director may be made in a similar manner and if by mail at the Department of Law Enforcement, Springfield, Illinois.

- (a) All papers filed in any proceeding shall be typewritten or printed on only one side of the paper and shall be double-spaced, except that quotations may be single-spaced and indented.
 - (b) All papers, except exhibits, shall be cut or folded so as not to exceed a width of 8½ inches and a length of 14 inches, and shall have an inside margin of not less than 1 inch wide.
 - (c) The original of all pleadings shall be filed with the Board and shall be signed in ink by the party filing the paper, or by an attorney for the party. A party must serve a copy of every pleading that the party files with the Board on all other parties to the proceeding, and written proof of such service shall be filed in the proceeding with the Board.
 - (d) All pleadings filed shall contain the address of the party filing the paper, or if the party is represented by an attorney, the pleading shall contain the name, address and telephone number of the attorney.
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AGENCY: Illinois Environmental Protection Agency;

SUBJECT: Criteria for Determining Construction Grant Priorities for
Municipal Sewage Treatment Works Needs for Fiscal Year 1979;

STATUTORY AUTHORITY: Chapter 111 1/2 Illinois Revised Statutes Section
1004(1), (Environmental Protection Act);

TYPE OF RULE: Emergency adoption of an Amended Rule;

PURPOSE OF EMERGENCY: These criteria must be available by March 1, 1978,
to allow priority determinations for fiscal year
1979 grant funds to be completed on schedule and
in advance of public hearings during June of 1978
on the priority list for fiscal year 1979.
Forty-five days of notice on this Amendment would
extend beyond March 1, 1978, reducing appropriately
the time which is necessary for determining
priorities and possibly jeopardizing temporarily
the sewage treatment works grant distribution for
fiscal year 1979;

FULL TEXT SHALL FOLLOW:

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

DIVISION OF WATER POLLUTION CONTROL

CRITERIA FOR DETERMINING CONSTRUCTION GRANT
PRIORITIES FOR MUNICIPAL SEWAGE TREATMENT WORKS NEEDS

FISCAL YEAR 1979

EFFECTIVE DATE
MARCH 1, 1978

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DECEMBER, 1977

0.0 INTRODUCTION

0.1 Filing of Pre-Applications and Priority Scoring Summaries

A community which has a need for a sewage treatment works improvement files a pre-application and a priority scoring summary (reference Appendix A) with the Illinois Environmental Protection Agency (Agency), at any time during the year.

0.1.1 Agency Action

The Agency assigns a number to the pre-application and reviews the priority scoring summary to verify that the summary has been completed in accordance with the criteria contained herein. Then, at the time of preparation of the preliminary priority list, the Agency enters the need on the list.

0.1.2 Publication of the Priority List

The Agency publishes the preliminary priority list once each year in connection with the annual hearings on the Agency's Water Pollution Control Plan. Following the hearings, the Agency may modify the preliminary list in response to public comment received at the hearings and the Agency then submits the final priority list to the United States Environmental Protection Agency (USEPA) for approval.

0.1.3 Renewal of Pre-applications and Priority Scoring Summaries

A community is not required to renew a pre-application or a priority scoring summary unless the scope, schedule, scoring data or grant request differs from that of the previous year, and unless the community has not yet advised the Agency of the changes.

0.2 Segment Ranking Index and Municipal Discharge Index and Grant Priority Index

0.2.1 Segment Ranking Index (SRI)

Federal regulations (40 CFR 130.20(a)(2)) require the Agency to annually prepare a State River Basin Segment Ranking.

The procedures for determining SRI values is available from the Agency upon request.

0.2.2 Municipal Discharge Index (MDI)

Federal regulations (40 CFR 35.915) require the Agency to annually prepare a State Municipal Discharge Inventory, which is to be a "ranking of significant municipal discharges".

As the first step in developing the Municipal Discharge Inventory it was necessary to define a "significant municipal discharger". The definition which has been developed is based on the concept of eligibility for Federal grant assistance for construction of facilities required to prevent water pollution by the discharge. Sewerage utilities and privately-owned subdivision sewage treatment plants have been omitted from the inventory since they are not eligible for grants.

The procedure for determining MDI values is contained in Section 1.0 of these criteria.

0.2.3 Grant Priority Index (GPI)

Federal guidelines for preparation of the Construction Grant Project List (40 CFR 35.915 (c)(1)) state that "...the State shall consider the severity of pollution problems, and population affected, the need for preservation of high quality waters, and national priorities as well as total funds available, project and treatment works sequence and additional factors identified by the State in its priority system...".

The procedures for determining GPI values is contained in Section 2.0 of these criteria.

0.3 Prerequisites for Grant in Addition to Priority

In addition to the Criteria for determining SRI, MDI, and GPI values, even though a need may appear on the priority list prepared in accordance with these criteria, a number of conditions must be met before the project(s) will be unconditionally certified to the United States Environmental Protection Agency as entitled to priority for award of grant:

- 0.3.1 The grant pre-application must have been filed prior to the March 1 deadline by an eligible unit of government in a manner consistent with procedures required by the Agency. (Reference Appendix A.) (The only exceptions to this pre-application filing requirement are that, for needs which were not included in preapplications which were previously filed, if:

0.3.1.1 the needs were subsequently defined in a facility plan OR MUNICIPAL NEEDS ANALYSIS, or if

0.3.1.2 the needs can be anticipated from the results of a field inspection by Agency staff.)

0.3.2 The grant application, facilities planning (Step 1), design (Step 2), or construction (Step 3) must comply with all applicable requirements set forth in 40 CFR 35 E. In particular, all grant applicants must satisfy all applicable facilities planning requirements, including sewer system evaluation requirements, prior to unconditional certification for Step 2 or Step 3 grant.

0.3.3 The grant applicant must have applied for any necessary National Pollutant Discharge Elimination System Permit (NPDES Permit).

0.3.4 No grant or combination of grants will be certified in an amount which will allow a single applicant or a service area of a single applicant to receive more than 50 percent of the available Federal and State Grant funds, unless such an award or combination of awards is deemed by the Director of the Agency to be in the best interests of the citizens of Illinois.

0.4 Applicant Progress

0.4.1 Satisfactory Progress

Needs on the approved priority list for which Federal or State funds are available at the time of USEPA approval of the list (after deduction of the reserves specified in Section 0.5 below) to provide funding through Step 3 will retain their priority position until a Step 3 grant has been awarded, or until the need represented by that priority rank has been satisfied, provided that the applicant is progressing in a satisfactory manner toward satisfying the applicable grant applicant requirements of 40 CFR 35E. BEGINNING WITH THE FISCAL YEAR 1979 PRIORITY LIST, AN EXCEPTION TO THIS PROVISION TO RETAIN PRIORITIES WILL BE BROUGHT ABOUT FOR NEEDS OF UNSEWERED COMMUNITIES BY THE INCLUSION OF THE F6 FACTOR TO PRIORITY COMPUTATIONS (REFERENCE SECTION 2.2.2).

0.4.2 Unsatisfactory Progress

To prevent the possible loss of Federal funds to the State, provisions will be made to obligate those Federal funds allocated to the State which may be jeopardized by lack of progress by applicants which have high priority projects. The provisions may include amending the project priority list by deleting and/or adding projects.

ALSO, PROVISION WILL BE MADE TO AMEND THE PRIORITY LIST TO SET F5 EQUAL TO ZERO FOR ANY PROJECT WHICH DOES NOT PROGRESS IN A SATISFACTORY MANNER TOWARD COMPLYING WITH THE APPLICABLE GRANT APPLICATION REQUIREMENTS OF 40 CFR 35, IN PARTICULAR 40 CFR 35.917-6 REGARDING APPLICANT ASSURANCES THAT THE FACILITY PLAN WILL BE IMPLEMENTED AND 40 CFR 35.925-5 REGARDING APPLICANT ASSURANCES TO PAY THE NON-GRANT COSTS AND APPLICANT DEMONSTRATION OF LEGAL, INSTITUTIONAL, MANAGERIAL, AND FINANCIAL CAPABILITY TO INSURE FACILITY PLAN IMPLEMENTATION.

0.5 Reserves

0.5.1 Grant Increases

As required by the provisions of 40 CFR 35.915(g), a reserve of no less than five percent of each fiscal year's allotment of Federal funds will be established for use in funding of grant increases. The amount of this reserve will be specified in the Agency's annual Water Pollution Control Program, and may be amended as necessary.

0.5.2 Step 1 and Step 2 Grants

Pursuant to the provisions of 40 CFR 35.915(i), the Agency may establish a reserve (which, taken together with any reserve under Section 0.5.2 hereof, must not exceed 10% of the current year allotment) for use in advanced funding of Step 1 and Step 2 for needs for which Step 3 funds may not yet be available. The amount of this reserve, if established, will be specified for each fiscal year's allotment of federal funds, beginning with FY 1975, by a statement contained in the Agency's annual Water Pollution Control Program Plan, and may be amended as necessary.

Applicants which have needs which receive such advanced funding and which progress in a satisfactory manner (reference Section 0.4) shall retain their priority position through award of Step 3 grant or until the need represented by that priority rank has been satisfied.

Such advance funding will be awarded in the same manner as grants for high-priority needs which receive commitment of funds through Step 3, except that commitment of funds through Step 3 will be contingent upon future availability of adequate Federal allotments and/or State appropriations.

THE AGENCY RESERVES THE OPTION TO WITHHOLD SUCH ADVANCED STEP 2 FUNDING FOR UNSEWERED COMMUNITIES BY USE OF THE F6 FACTOR IN ACCORDANCE WITH SECTION 2.2.2.

0.5.3 Step 1 Grants

Pursuant to the provisions of 40 CFR 35.915(i), the Agency may establish a reserve (which, taken together with any reserve under Section 0.5.3 hereof, must not exceed 10% of the current year allotment) for use in advanced funding of Step 1 for needs for which Step 2 and Step 3 funds may not yet be available. The amount of this reserve, if established, will be specified for each fiscal year's allotment of federal funds, beginning with FY 1975, by a statement contained in the Agency's annual Water Pollution Control Program Plan, and may be amended as necessary.

Applicants which have needs which receive such advanced funding shall not retain their priority position through award of Step 3 funding unless:

0.5.3.1 Funding for Step 2 becomes available in addition to funding for Step 1, and

0.5.3.2 the applicant progresses in a satisfactory manner (reference Section 0.4).

Such advanced funding will be awarded in the same manner as grants for high-priority needs which receive commitment of funds through Step 3 except that commitment of funds through Step 3 will be contingent upon future availability of adequate Federal allotments and/or State appropriations.

THE AGENCY RESERVES THE OPTION TO WITHHOLD SUCH ADVANCED STEP 2 FUNDING FOR NEEDS FOR UNSEWERED COMMUNITIES BY USE OF THE F6 FACTOR IN ACCORDANCE WITH SECTION 2.2.2.

0.6 Previous Criteria for Determining Priorities

0.6.1. The Criteria for determining SRI values, as well as the SRI values, are identical to the criteria and values for Fiscal Year 1977.

- 0.6.2 The Criteria for determining MDI values (reference Section 1.0) are identical to the criteria which were used in the determination of these values for Fiscal Year 1978 WITH THE EXCEPTION OF THE SECTIONS OF THESE CRITERIA WHICH ARE IN CAPITAL LETTERS.
- 0.6.3. The Criteria for determining GPI values (reference Section 2.0) are identical to the criteria which were used in the determination of these values for Fiscal Year 1978 WITH THE EXCEPTION OF THE SECTIONS OF THESE CRITERIA WHICH ARE IN CAPITAL LETTERS.

1.0 PROCEDURE FOR CALCULATING THE MUNICIPAL DISCHARGE INDICES (MDI)

1.1 Concept of the Municipal Discharge Index

In order to carry out the ranking of municipal dischargers, a quantitative formula has been developed which incorporates three considerations for accomplishing the ranking of discharges: (1) quantity of wastewater adjusted for strength; (2) adequacy of existing facilities for treating the existing wastewater load to design level; and (3) adjusted segment ranking index.

1.2 Specific Formula for the Municipal Discharge Index

The specific formula which considers these three factors is designed to produce a MDI value which becomes an important determinant of priority for grant assistance to the discharger. The formula is as follows:

$$1.2.1. \quad F1 = \text{Discharge Quantity Factor}$$

$$= \log_{10} (P.E.*_{BOD}, \text{existing load})^{**}$$

$$1.2.2 \quad F2 = \text{Existing Facility Adequacy Factor}$$

$$= P.E.*_{BOD}, \text{existing load (industrial \& domestic)}^{**}$$

$$\frac{P.E.*_{BOD}, \text{existing design capacity}}$$

$$X \frac{\text{daily average flow, existing load}^{**}}{\text{daily average flow, existing design capacity}} + 1$$

* $1 PE_{BOD} = 0.17$ lbs. of 5-day biochemical oxygen demand per day.

** Where the applicant justified hydraulic and organic loadings on the basis of influent sampling and flow measurement results for a current 12 month period these justified values will be used. In cases where influent sampling and/or flow measurement results are not available for a current 12 month period and where the applicant justifies estimated connected domestic PE and provides (measured) industrial PE and/or where the applicant provides estimated flow based on 100 gpcpd and provides (measured) industrial flow, these justified values will be used.

1.2.3 F3 = Adjusted Segment Ranking Index

$$= \frac{\text{SRI, receiving segment}}{\text{SRI, maximum statewide value}}$$

1.2.4 F6 = SIGNIFICANCE FACTOR

THE F6 FACTOR IS DETERMINED AS FOLLOWS:

1.2.4.1 THE MUNICIPALITY/APPLICANT HAS AN EXISTING SEWAGE COLLECTION SYSTEM AND SEWAGE TREATMENT PLANT: EXCEPT FOR A STORM SEWER OR FLOOD CONTROL NEED (IN WHICH CASE F6 SHALL BE COMPUTED VIA THE PROCEDURES DESCRIBED IN 1.2.4.2.):

$$F6 = 1.0$$

OR

1.2.4.2 THE MUNICIPALITY/APPLICANT IS A CURRENTLY UNSEWERED COMMUNITY, HAS NO CENTRAL TREATMENT FACILITY, OR HAS A NEED FOR A STORM SEWER OR FLOOD CONTROL ONLY: IN THIS CASE, THERE IS A TWO FOLD PROCESS FOR WHICH F6 VALUES ARE ASSIGNED ON TWO SEPARATE OCCASIONS.

- 1) AT SUBMITTAL OF A PRE-APPLICATION FORM FOR PRIORITY, AND
- 2) AT COMPLETION OF FACILITIES PLANNING (STEP 1).

THE POINTS ASSIGNED FOR EACH MUNICIPALITY/APPLICANT UNDER THIS SECTION 1.2.4.2 CANNOT EXCEED 1.0 IN TOTAL AND ARE DETERMINED AS FOLLOWS:

1.2.4.2.1 AT THE TIME OF SUBMITTAL OF A PRE-APPLICATION FORM FOR SETTING OF PRIORITY, A F6 OF 1.0 IS ASSIGNED.

NOTE: F2 OF 2 FOR POLLUTIONAL DISCHARGE (REFERENCE SECTION 2.4.1.4) SHOULD NOT BE GIVEN UNTIL END OF FACILITY PLANNING.

1.2.4.2.2 UPON COMPLETION OF THE FACILITIES PLAN AND AGENCY REVIEW AND APPROVAL, THE F6 FACTOR IS REEVALUATED. F6 CUMULATIVE POINTS ARE THEN ASSIGNED AS FOLLOWS:

1. IF AFTER COMPLETION AND APPROVAL OF THE FACILITIES PLAN, NO POINTS ARE ASSIGNED BASED ON 2, 3, 4, 5 AND 6 BELOW, F6 SHALL EQUAL 0.

2. ONE OR MORE DISCHARGES WHICH ARE NOT COMPLYING WITH AN EFFLUENT STANDARD OF 30 MG/L BOD AND 30 MG/L SUSPENDED SOLIDS SHALL RESULT IN AN ADDITIONAL 0.1 POINT.

3. POLLUTED* AQUATIC ENVIRONMENT IN RECEIVING STREAM DOWN STREAM OF DISCHARGE(S) FROM DRAINAGE TILES SERVING COMMUNITY.

POINTS SHALL BE GIVEN AS FOLLOWS: 0.1 POINT FOR EACH FULL 600 FEET OF STREAM DEGRADED TO A POLLUTED* ENVIRONMENT AS A RESULT OF THE MUNICIPALITY'S/APPLICANT'S ACTIVITIES.

4. SEMI-POLLUTED* AQUATIC ENVIRONMENT IN THE RECEIVING STREAM DOWN STREAM OF DISCHARGE(S) FROM DRAINAGE TILES SERVING THE COMMUNITY.

POINTS SHALL BE GIVEN AS FOLLOWS: 0.075 POINT FOR EACH 600 FEET OF STREAM DEGRADED AS A RESULT OF SAID DISCHARGE(S) TO A SEMI-POLLUTED* ENVIRONMENT AS A RESULT OF THE MUNICIPALITY'S/APPLICANT'S ACTIVITIES.

5. UNBALANCED* AQUATIC ENVIRONMENT IN THE RECEIVING STREAM DOWN STREAM OF DISCHARGE(S) FROM DRAINAGE TILES SERVING THE COMMUNITY.

POINTS SHALL BE GIVEN AS FOLLOWS: 0.05 POINT FOR EACH FULL 600 FEET OF STREAM DEGRADED AS A RESULT OF SAID DISCHARGE(S) TO AN UNBALANCED* ENVIRONMENT AS A RESULT OF THE MUNICIPALITY'S/APPLICANT'S ACTIVITIES.

6. POINTS, FROM 0.0 TO 1.0, SHALL BE GIVEN FOR HEALTH HAZARDS IN THE MUNICIPALITY/COMMUNITY IN QUESTION RESULTING FROM MALFUNCTIONING OR INADEQUATE PRIVATE SEWAGE DISPOSAL SYSTEMS. ASSIGNMENT OF POINTS SHALL BE BASED UPON:

SEVERITY AND OVERALL DISTRIBUTION OF THE HEALTH HAZARD AS JUDGED BASED ON THE CONTENT OF THE FACILITIES PLAN AND FIELD INVESTIGATIONS OF ILLINOIS ENVIRONMENTAL PROTECTION AGENCY IN COOPERATION WITH THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH,


AND,

THE LEGAL, FINANCIAL, INSTITUTIONAL AND
MANAGERIAL CAPABILITY OF THE APPLICANT TO
IMPLEMENT THE FACILITY PLAN.

ADDITIONAL CRITERIA FOR SETTING HEALTH HAZARD POINTS.

1. HEALTH HAZARD POINTS ARE ASSIGNED BY THE
MANAGER OF THE DIVISION OF WATER POLLUTION
CONTROL.
2. APPLICANTS WILL BE NOTIFIED BY REGISTERED MAIL
OF THE HEALTH HAZARD POINTS ASSIGNED.
3. IF THE APPLICANT WISHES TO APPEAL THE HEALTH
HAZARD POINTS ASSIGNED IN THIS FASHION, SAID
APPEAL MUST BE RECEIVED BY THE DIRECTOR OF THE
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY WITHIN
30 DAYS OF THE DATE RECEIVED BY THE APPLICANT.
4. THE DIRECTOR OF THE ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY WILL MAKE THE FINAL DECISION
REGARDING THE MERITS OF THE APPLICANT'S
APPEAL.

THE ABOVE POINTS ALLOWED FOR EXTENT OF STREAM AFFECTED AND HEALTH
HAZARDS ARE CUMMULATIVE. MULTIPLE DISCHARGES CAN RESULT IN MULTIPLE
600 FEET LONG SECTIONS OF STREAM BEING DEGRADED. IF INSUFFICIENT
DATA IS AVAILABLE TO PROPERLY SCORE ITEMS 3, 4 AND 5 ABOVE, THEY
WILL BE SET EQUAL TO ZERO.



1.2.4.3 *THE CLASSIFICATIONS PRESENTLY USED BY THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY TO EVALUATE STREAM ENVIRONMENTS ARE:

1.2.4.3.1 BALANCED ENVIRONMENT: INTOLERANT ORGANISMS ARE MANY IN NUMBER AND SPECIES, OR MORE IN NUMBERS THAN OTHER FORMS PRESENT.

| | |
|--------------------|-------------------------------------|
| INTOLERANT | MODERATE, FACULTATIVE AND |
| PRESENT \geq 50% | TOLERANT USUALLY PRESENT \leq 50% |

1.2.4.3.2 UNBALANCED ENVIRONMENT: INTOLERANT ORGANISMS ARE LESS IN NUMBER THAN OTHER FORMS COMBINED, BUT COMBINED WITH MODERATE FORMS, THEY USUALLY OUTNUMBER TOLERANT FORMS.

| | |
|-----------------|------------------------------------|
| INTOLERANT | MODERATE, FACULTATIVE AND |
| PRESENT < 50% | TOLERANT USUALLY PRESENT BUT > 50% |
| BUT \geq 10%. | |

1.2.4.3.3 SEMI-POLLUTED ENVIRONMENT: INTOLERANT ORGANISMS ARE FEW OR MAY NOT BE PRESENT. MODERATE AND/OR FACULTATIVE ORGANISMS PRESENT.

| | |
|---------------|--------------------------------|
| INTOLERANT | MODERATE, FACULTATIVE AND |
| PRESENT < 10% | TOLERANT USUALLY PRESENT > 90% |

1.2.4.3.4 POLLUTED ENVIRONMENT: INTOLERANT ORGANISMS ABSENT, ONLY TOLERANT ORGANISMS PRESENT OR NO ORGANISMS PRESENT.

TOLERANT PRESENT 100%*.

ORGANISMS WHICH ARE NOT ADAPTED TO INHABIT A POLLUTED ENVIRONMENT ARE OCCASIONALLY COLLECTED AS A RESULT OF FACTORS PRODUCED BY THE DRIFT AND ARE NOT REPRESENTATIVE.

MDI = Municipal Discharge Index

= F1 x F2 x F3 x F6

1.3 Range of Values of the MDI for FY 1978

According to this formula, the "worst" municipal discharge is identified by the largest MDI value of _____ and the municipal discharge least in need of attention from the Agency is the one whose MDI value is ____.

The range of values for the components of the MDI are:

| | | | |
|------|-------|-----|-------|
| F1: | _____ | to. | _____ |
| F2: | _____ | to | _____ |
| SRI: | _____ | to | _____ |
| F3: | _____ | to | _____ |
| F6: | _____ | to | _____ |

2.0 PROCEDURE FOR CALCULATING THE GRANT PRIORITY INDICES (GPI)

2.1 Concept of the Grant Priority Index

The MDI value derived by the procedure previously described is used as an input to a formula which produces a "Grant Priority Index" for each need. To derive a Grant Priority Index (GPI) value, it is also necessary to consider the corrective measures required to provide the degree of treatment needed for meeting State effluent standards or other effluent limitations. This is accomplished through a scoring procedure which:

2.1.1 establishes relative values for: secondary, tertiary, advanced and supplemental treatment processes for the treatment of average daily dry weather flow and maximum daily dry weather flow; primary treatment and disinfection of maximum wet weather flow; modification of existing processes; expansion of sludge disposal facilities; flood control facilities and trunk and lateral sewers

2.1.2 assigns the established values for:

2.1.2.1 addition of any required secondary and/or supplemental treatment processes where, at the present time, the required processes are

non-existent. The additional treatment processes required would be determined based on the following dilution ratios:

| <u>Dilution Ratio</u> | <u>Processes Required*</u> |
|---------------------------------------|--|
| Greater than 5:1 | Primary, Secondary |
| Greater than 1:1 and less than 5:1 | Primary, Secondary, Tertiary, Nitrification |
| Less than 1:1 | Primary, Secondary, Tertiary, Advanced, Nitrification |

* Some needs may also require phosphorus removal or nitrification regardless of their dilution ratio.

2.1.2.2 additional capacity for currently (hydraulically and/or organically) overloaded treatment processes: If the average daily flow or the connected population equivalent (for a 12 month period) exceeds the design of any of the treatment processes (exclusive of sludge beds), the entire treatment plant will be classified as overloaded.

2.1.2.3 needs which involve the upgrading of existing treatment plant will be credited with one point for "Modifications of existing processes which do not increase capacity or degree of treatment".

2.1.2.4 the construction of new trunk and lateral sewers to provide an extension of service from an existing collection system or the rehabilitation of existing sewers, which rehabilitation will not eliminate excessive infiltration/inflow.

2.1.2.5 THE CONSTRUCTION OF A NEW COLLECTION SYSTEM AND TREATMENT WORKS TO SERVICE A PRESENTLY UNSEWERED COMMUNITY WHERE A DISCHARGE OF RAW OR PARTIALLY TREATED SEWAGE EXISTS, OR WHERE NO DISCHARGE EXISTS.

2.2 Specific Determination of the Grant Priority Index

2.2.1 Based on the above assignment of values, a multiplication factor to convert a MDI or GPI, namely F4, is derived through a summation of the assigned values for the need:

F4 = Point values assigned for additional treatment processes required

+ currently overloaded facilities

+ rehabilitation

Specifically, the established F4 values are the following:

TABLE OF F4 VALUES

| Treatment Process | Average Dry Weather Flow | Maximum Dry Weather Flow | Maximum Wet Weather Flow |
|---|--------------------------|--------------------------|--------------------------|
| Primary | 0 | 0 | 8 |
| Secondary | 14 | 10 | 0 |
| Tertiary (10/12) | 8 | 6 | 0 |
| Advanced (4/5) | 4 | 2 | 0 |
| Disinfection | 6 | 6 | 6 |
| Phosphorus Removal | 5 | 3 | 0 |
| Nitrification | 8 | 6 | 0 |
| Inadequate Sludge Processing Facilities | | | 6 |
| Modifications of existing processes which do not increase capacity or degree of treatment | | | 1 |
| <u>or</u> | | | |
| Wastewater reuse or recycling; Flood Control Projects; Trunk and Lateral Sewers | | | 1 |

Range of Values: 0 to 99

- 2.2.2 F5 is a factor which is added to the raw GPI value for those needs whose priority position is to be retained (reference Sections 0.4.1 and 0.5.3).

THE VALUE OF F5 WILL BE RETAINED ONLY IF THE VALUE OF THE QUANTITY $F1 \times F2 \times F3 \times F6 \times F4$ IS GREATER THAN THE CORRESPONDING QUANTITY FOR THE LOWEST PRIORITY NEED WHICH HAS A F5 VALUE GREATER THAN ZERO.

IF THE VALUE OF THIS QUANTITY DOES NOT MEET THIS TEST, F5 FOR THE NEED WILL BE REDUCED TO ZERO FOLLOWING THE COMPLETION OF FACILITY PLANNING AND SUBSEQUENT DETERMINATION OF F6.

- 2.2.3 After the value of F4 is determined, the GPI value for each need is calculated:

$$\begin{aligned}\text{GPI} &= \text{Grant Priority Index} \\ &= \text{MDI} \times F4 + F5\end{aligned}$$

2.3 Range of Values

Range of values: _____ - _____

Needs are ranked for grant funding priority in decreasing order of GPI value; thus, the larger the GPI value, the higher the grant priority.

2.4 Scoring Conventions

Specifically, the priority system just described is applied with the following conventions and general results (see Appendix B to this document for examples of each of the following general cases):

- 2.4.1 Expansion and/or upgrading of an existing sewage treatment plant, or construction of a new sewage treatment plant, or sewer rehabilitation work to eliminate excessive infiltration/inflow.

2.4.1.1 expansion and/or upgrading of an existing sewage treatment plant, a new sewage treatment plant to serve a currently sewered area, or sewer rehabilitation work which will eliminate excessive infiltration/inflow: the MDI value for the plant, together with the F4 value for the treatment processes affected at the plant* are used to calculate the GPI value for the need.

2.4.1.2 construction of a new sewage treatment plant for a currently unsewered community: since a quantifiable discharge does not exist, an "equivalent" MDI value must be calculated. For this purpose, the estimated current population equivalent of the area to be served is used in calculating F1; F2 is set equal to 1.0; and the segment to receive the proposed discharge determines F3. A SIGNIFICANCE FACTOR TO

* treatment processes affected at the plant for sewer rehabilitation projects:

1. where the sewer rehabilitation work will solve an inflow problem, the F4 value shall be determined from the existing need ** for provision of adequate primary treatment and/or disinfection for wet weather flow in the excess of maximum dry weather flow.
2. where the sewer rehabilitation work will solve an infiltration and inflow problem, the F4 value shall be determined from the existing need** for provision of adequate primary and/or secondary and/or tertiary and/or advanced and/or supplemental treatment of dry weather flow.
3. where the sewer rehabilitation work will solve an infiltration and inflow problem, the F4 value shall be determined from the existing need** for provision of adequate primary and/or secondary and/or tertiary and/or advanced and/or supplemental treatment of dry weather flow as well as the existing need for provision of primary and/or disinfection of wet weather flow in excess of maximum dry weather flow.

** Existing need should be determined using overload/no overload criteria for existing treatment processes and dilution ratio for additional processes required by effluent standards.

REFLECT THE IMPACT OF THE DISCHARGE ON THE RECEIVING STREAM AND PUBLIC HEALTH HAZARDS IS DETERMINED AS DESCRIBED IN 1.2.4.2 TO CALCULATE F6. The MDI is then calculated ($MDI = F1 \times F2 \times F3 \times F6$). The treatment processes required at the proposed sewage treatment plant determine F4. The GPI is then calculated ($GPI = MDI \times F4$).

2.4.1.3 construction of a new regional plant or expansion and/or upgrading of an existing sewage treatment plant to phase out one or more existing sewage treatment plants: the highest of the MDI values as well as the highest of the F4 values among the values for the existing or proposed regional plant and the values for the existing or proposed regional plant and the values for the existing or proposed regional plant and the values for the existing plant(s) to be phased out (exclusive of non-municipally owned treatment works) are used to calculate the GPI for the regional plant.

2.4.1.4 construction of a new sewage treatment plant for a currently unsewered community where a discharge of raw or partially treated sewage does exist.* An "equivalent" MDI must be calculated. For this purpose, estimated current population equivalent of the area to be served is used in calculating F1; F2 is set equal to 2.0 AFTER COMPLETION AND APPROVAL OF THE FACILITIES PLAN; and the segment to receive the proposed discharge determines F3. A

* A point discharge of raw or partially treated sewage exists, for purposes of determining priority, if the applicant establishes that the PE** (BOD) of the discharge from the sewer system is at least equal to 65 percent of the total domestic population plus 100 percent of any tributary industrial PE** (BOD), on the basis of no less than three samples (24 hour composite) of the discharge, collected directly from the "sewer system" outfall to the receiving stream and corresponding comparable flow measurements of the discharge, on different days. Copies of laboratory reports must be submitted as a part of the facilities planning documents to permit a need to qualify under these criteria, and an on-site investigation by Agency representatives may be made, in which case the Agency investigation results will be considered conclusive for scoring purposes.

** see single asterisk on page 9.

SIGNIFICANCE FACTOR TO REFLECT THE IMPACT OF THE DISCHARGE ON THE RECEIVING STREAM AND PUBLIC HEALTH HAZARDS IS DETERMINED AS DESCRIBED IN 1.2.4.2 TO CALCULATE F6.

The MDI is then calculated ($MDI = F1 \times F2 \times F3 \times F6$). The GPI is then calculated ($GPI = MDI \times F4$).

2.4.2 Construction of a intercepting sewer:

2.4.2.1 relief intercepting sewers, where the existing intercepting sewer is not capable of transporting the flows which are presently tributary to it:

2.4.2.1.1 relief sanitary intercepting sewer: proceed in a manner identical to that in 2.4.1.1 above.

2.4.2.1.2 relief combined intercepting sewer: proceed in a manner identical to that in 2.4.3 below.

2.4.2.2 transport of sewage from end point(s) of existing collection system(s) to an existing or proposed regional sewage treatment plant: proceed in a manner identical to the procedure in Section 2.4.1.3 above.

2.4.2.3 transport of sewage from end point(s) of proposed collection system(s) to an existing or proposed regional treatment plant: the calculation of the F1, F2 AND F6 values proceeds similarly to that in Section 2.4.1.2 above. The F4 value will be selected from the larger of the values for the degree(s) of treatment which would be required at the local location of the collection system and at the regional plant. The F3 value will also be selected from the larger of the values(s) for the basin segment containing the collection system and the basin segment containing the regional plant.

2.4.2.4 construction of a intercepting sewer for a currently unsewered community where a discharge of raw or partially treated sewage does exist.* A MDI value (Municipal Discharge Index) does not exist, and an "equivalent" MDI must be calculated. For this purpose, estimated current population equivalent of the area to be served is used in calculating F1; F2 is set equal to 2.0 AFTER COMPLETION AND APPROVAL OF THE FACILITIES PLAN; and the segment to receive the proposed discharge determines F3. The MDI is then calculated ($MDI = F1 \times F2 \times F3 \times F6$). The treatment processes required at the proposed sewage treatment plant determine F4. THE IMMEDIATE IMPACT OF THE DISCHARGE ON THE RECEIVING STREAM AND PUBLIC HEALTH HAZARD ARE USED AS DESCRIBED IN 1.2.4.2 TO CALCULATE F6. The GPI is then calculated ($GPI = MDI \times F4$).

2.4.3 Elimination or treatment of on-system wet weather overflow(s) from combined sewers: regardless of the approach to a solution of this problem or the extensiveness of the problem, the MDI for the plant currently providing service, and as F4 value of 14 (established values for primary treatment and disinfection of maximum wet weather flow) are used in the calculation of a GPI value.

* See footnote on page 19.

2.4.4 Construction of trunk and lateral sewers:

- 2.4.4.1 rehabilitation work which will not eliminate excessive infiltration/inflow: the MDI value for the plant, together with an F4 AND F6 values of 1 are used to determine the GPI value, and therefore, $GPI = MDI$.
- 2.4.4.2 complete new collection system: the GPI value will be equal to that of the proposed plant (reference 2.4.1.2) or intercepting sewer (reference 2.4.2.2).
- 2.4.4.3 extension of service by an existing collection system: the calculation of the MDI value proceed similarly to that in Section 2.4.2.2, except that in this case an estimate of the existing population equivalent to be served by the sanitary sewer extension only is used in determining F1. The F4 AND F6 values for this case are equal to 1, and then $GPI = MDI$.

2.4.5 Contruction of an intercepting sewer for transport of wastes from water treatment plants:

In this case the population equivalent based on suspended solids*** is used in place of the population equivalent based on a Biochemical Oxygen Demand. In the case of a need to provide treatment of such wastes where none is presently provided, a value of 2.0 is used for F2 in the calculation of MDI and then $GPI = MDI \times F4$.

- 2.4.6 Construction of an intercepting sewer parallel to an existing intercepting sewer which existing sewer is capable of transporting the flows which are presently tributary to it; flood control projects; and wastewater recycling or wastewater reuse projects: the MDI value for the plant, together with an F4 value of 1 are used to determine the GPI value, and therefore, $GPI = MDI$.

*** 1 PE_{SS} equals 0.22 lbs. of suspended solids per day.

3.0 ADDITIONAL CONSIDERATIONS

3.1 Effects of Overloading

For an overloaded facility, values from the table of F4 values for the average and maximum design flow for existing treatment processes (as well as 6 points for sludge handling facilities) will be assigned to the need.

For a facility which is not overloaded as defined above, but where sludge drying bed capacity is presently inadequate, 6 points for sludge handling facilities will be assigned to the need. Sludge beds will be determined to be inadequate where the connected population equivalent (for a 12 month period) exceeds the Agency approved and permitted design basis of the sludge drying beds.

If the facility is not overloaded based on the average daily flow, the need may receive credit for overloading on the maximum dry weather flow. Where the applicant justifies, on the basis of influent flow measurement for a 12 month period that the average of the peak dry weather flows to the plant exceeds the DESIGN peak capacity of the plant for complete treatment of dry weather flow, the need will receive credit for overloading under maximum dry weather flow conditions.

3.2 On Going Construction

At the time of scoring of a need for priority, in situations where other construction has been completed for expansion of capacity and/or increased degree of treatment, the priority score will not include the need for the processes which have been constructed if, at the time of the application filing deadline, the approved estimate of work in pace indicates 100 percent completion of all portions of the contract except miscellaneous work.

Needs which consist of plant improvements and/or intercepting sewers, and which will be satisfied through construction of several phases (projects), will be addressed by scoring all phases (projects) with the full credit for the entire need.

3.3 Flow Diversion

Needs which consist of the diversion of a significant portion of the average dry weather flow from one plant to another plant will be scored utilizing the regionalization convention for the two plants.

3.4 Integrally Related Projects

3.4.1 Two or more needs of one or more applicants, which are initially ranked at different priorities, may be consolidated into one need at the higher (highest) priority, if the following conditions are satisfied.

3.4.1.1 The facilities plan, prepared by an applicant and approved by the Agency, must conclude that the two or more needs are integrally related through the cost-effective solution.

3.4.1.2 Available State and Federal funds must be adequate to permit complete funding of the consolidated need.

3.4.2 Such consolidations may include:

3.4.2.1 sewer rehabilitation work and sewage treatment plant improvements and/or intercepting sewer construction;

3.4.2.2 projects to eliminate on-system wet weather overflow and sewage treatment plant improvements and/or intercepting sewer construction;

3.4.2.3 projects to construct collection systems and new sewage treatment plant and/or intercepting sewer construction.

3.4.3 This provision does allow the award of grants (for projects which are integrally related to a priority project), to municipalities which had not filed an application for grant at the time of preparation of the priority list for the fiscal year.

3.5 Complete Waste Treatment Systems

After ~~Agency~~ approval of a facilities plan, and at the time of the subsequent revision to the priority list, the Agency shall add any previously unidentified needs to the priority list if

the needs are not included in the scope of work for which a Step 2 or Step 3 grant has been offered, even if the applicant has not filed an application for such needs. Failure of the applicant to file application for such previously identified needs shall not restrict the Agency in adding the needs to the priority list.

APPENDIX B - F6

- 1.
- 1.1 1.0
- 1.2 0.0 TO 1.0 DEPENDING ON THE SEVERITY OF THE WATER POLLUTION
RESULTING FROM THE DISCHARGE(S) AND THE PUBLIC HEALTH HAZARD.
- 1.3 1.0
- 1.4 1.0
- 2.0
- 2.1 1.0
- 2.2 0.0 TO 1.0 DEPENDING ON THE SEVERITY OF THE WATER POLLUTION
RESULTING FROM THE DISCHARGE(S) AND THE PUBLIC HEALTH HAZARD.
- 2.3 1.0
- 2.4 0.0 TO 1.0 DEPENDING ON THE SEVERITY OF THE WATER POLLUTION
RESULTING FROM THE DISCHARGE(S) AND THE PUBLIC HEALTH HAZARD.
- 3.0 1.0
- 4.0
- 4.1 1.0
- 4.2 0.0 TO 1.0 DEPENDING ON THE SEVERITY OF THE WATER POLLUTION
RESULTING FROM THE DISCHARGE(S) AND THE PUBLIC HEALTH HAZARD.
- 4.3 0.0 TO 1.0 DEPENDING ON THE SEVERITY OF THE WATER POLLUTION
RESULTING FROM THE DISCHARGE(S) AND THE PUBLIC HEALTH HAZARD.
- 5.0
- 5.1 1.0
- 5.2 1.0
- 6.0 1.0 FOR WASTE WATER RECYCLING; 0.1 FOR STORM SEWERS OR FLOOD
CONTROL PROJECTS.

ILLINOIS LAW ENFORCEMENT COMMISSIONEMERGENCY ADOPTION OF ILLINOIS LAW ENFORCEMENT
COMMISSION EQUAL EMPLOYMENT OPPORTUNITY GUIDELINES

Please take notice that the Illinois Law Enforcement Commission's Equal Employment Opportunity Guidelines dated November 30, 1973 are rescinded and replaced by ILLINOIS LAW ENFORCEMENT COMMISSION EQUAL EMPLOYMENT OPPORTUNITY GUIDELINES as Amended November 23, 1974.

This emergency adoption is necessary because of subsequent enactment of various Federal regulations amending the provisions of the original guidelines.

The purpose of these guidelines is to insure that all persons receiving financial assistance from the Illinois Law Enforcement Commission, shall comply fully with all applicable state and federal, equal employment opportunity guidelines; and to provide a uniform procedure for the fair and orderly interpretation, implementation, and enforcement of those obligations.

Statutory Authority:

Title 42, Chapter 2000d, United States Code;
Title 28, Subpart E of Part 42, Code of Federal Regulations;
Illinois Fair Employment Practices Act;
Rules and Regulations for Public Contracts of the Illinois
Fair Employment Practices Commission
Executive Order titled "Code of Fair Practices Governing State
Executive Offices of the State of Illinois.

* The Full Text of Emergency
Guidelines shall follow;

Article I AUTHORITY AND PURPOSE

Section 1.1. By virtue of the authority vested in it by Title 42, Chapter 2000d, United States Code; Title 28, Chapter 1, Subpart E of Part 42, Code of Federal Regulations; the Illinois Fair Employment Practices Act, the Rules and Regulations for Public Contracts of the Illinois Fair Employment Practices Commission and the Executive Order entitled Code of Fair Practices Governing State Executive Offices of the State of Illinois; the Illinois Law Enforcement Commission does hereby promulgate these Equal Employment Opportunity Guidelines.

Section 1.2. The purpose of these Rules and Regulations is to insure that all persons receiving financial assistance from the Illinois Law Enforcement Commission, shall comply fully with all applicable state and federal equal employment opportunity guidelines; and to provide a uniform procedure for the fair and orderly interpretation, implementation, and enforcement of those obligations.

Article II DEFINITIONS

Section 2.1. The term "Commission" means the Illinois Law Enforcement Commission.

Section 2.2. The term "Construction Contract" means any grant as defined in Section 2.3. hereof, or any portion thereof, used for the construction, rehabilitation, alteration, conversion, landscaping, repair, or improvement of buildings or other real property.

Section 2.3. The term "Grant" means any contract, purchase order, lease, or other agreement or understanding, written or otherwise, between the Commission or any agent thereof and any other person, for the procurement or provision of any thing or service of value; and further means any loan, grant, or other form of financial assistance or guaranty provided by the Commission from which such a contract, purchase order, lease, or other agreement or understanding may be financed in whole or in part.

Section 2.4. The term "Grantee" means any person who bids or applies for, who is considered for, or who is or has been awarded, a grant by the Commission.

Section 2.5. The term "Performance Subcontract" means a subgrant as defined in Section 2.8. (b) hereof.

Section 2.6. The term "Person" includes one or more individuals, governments, governmental entities or agencies, political subdivisions, municipal corporations, proprietorships, partnerships, associations, corporations, mutual companies, joint-stock companies, unincorporated organizations, legal representatives, trusts, trustees, receivers, trustees' receivers, trustees in bankruptcy, or any other legal or commercial entity.

Section 2.7. The term "Responsible" describes any person who conforms to the equal employment opportunity requirements of these Rules and Regulations and is therefore eligible to bid on or be awarded a grant or subgrant.

Section 2.8. The term "Subgrant" means any agreement, arrangement, or understanding, written or otherwise, between a grantee and any other person (provided the parties do not stand in the relationship of employer and employee):

(a) For the furnishing of supplies or services or for the use of real or personal property, including lease arrangements, which, in whole or in part, is utilized in the performance of any one or more grants; or

(b) Under which any portion of the grantee's obligation under any one or more grants is performed, undertaken or assumed.

Section 2.9. The term "Subgrantee" means any person having a subgrant from or with any grantee or subgrantee.

Section 2.10. The term "Supply Subcontract" means a subgrant as defined in Section 2.8(a) hereof.

Article III EQUAL EMPLOYMENT OPPORTUNITY CLAUSE

Section 3.1. It is a requirement of the Illinois Fair Employment Practices Commission that every grant to which the Commission is a party shall contain or incorporate by reference the Equal Employment Opportunity Clause set out at Section 3.1 of the Illinois Fair Employment Practices Commission's Rules and Regulations for Public Contracts. That clause provides:

"In the event of the contractor's noncompliance with any provision of this Equal Employment Opportunity Clause, the Illinois Fair Employment Practices Act or the Fair Employment Practices Commission's Rules and Regulations for Public Contracts, the contractor may be declared nonresponsible and therefore ineligible for future contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations, and the contract may be cancelled or voided in whole or in part, and such other sanctions or penalties may be imposed or remedies invoked as provided by statute or regulation.

"During the performance of this contract, the contractor agrees as follows:

"(1) That it will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin or ancestry; and further that it will examine all job classifications to determine if minority persons or women are underutilized and will take appropriate affirmative action to rectify any such underutilization.

"(2) That, if it hires additional employees in order to perform this contract or any portion hereof, it will determine the availability (in accordance with the (Illinois Fair Employment Practices) Commission's Rules and Regulations for Public Contracts) of minorities and women in the area(s) from which it may reasonably recruit and it will hire for each job classification for which employees are hired in such a way that minorities and women are not underutilized.

"(3) That, in all solicitations or advertisements for employees placed by it or on its behalf, it will state that all applicants will be afforded equal opportunity without discrimination because of race, color, religion, sex, national origin or ancestry.

"(4) That it will send to each labor organization or representative of workers with which it has or is bound by a collective bargaining or other agreement or understanding, a notice advising such labor organization or representative of the contractor's obligations under the Illinois Fair Employment Practices Act and the (Illinois Fair Employment Practices) Commission's Rules and Regulations for Public Contracts. If any such labor organization or representative fails or refuses to cooperate with the contractor in its efforts to comply with such Act and Rules and Regulations, the contractor will promptly so notify the Illinois Fair Employment Practices Commission and the contracting agency and will recruit employees from other sources when necessary to fulfill its obligations thereunder.

"(5) That it will submit reports as required by the Illinois Fair Employment Practices Commission's Rules and Regulations for Public Contracts, furnish all relevant information as may from time to time be requested by the (Illinois Fair Employment Practices) Commission or the contracting agency, and in all respects comply with the Illinois Fair Employment Practices Act, and the (Illinois Fair Employment Practices) Commission's Rules and Regulations for Public Contracts.

"(6) That it will permit access to all relevant books, records, accounts and work sites by personnel of the contracting agency and the Illinois Fair Employment Practices Commission for purposes of investigation to ascertain compliance with the Illinois Fair Employment Practices Act and the (Illinois Fair Employment Practices) Commission's Rules and Regulation for Public Contracts.

"(7) That it will include verbatim or by reference the provisions of paragraphs 1 through 7 of this clause in every performance subcontract as defined in Section 2.10.(a) of the (Illinois Fair Employment Practices) Commission's Rules and Regulations for Public Contracts so that such provisions will be binding upon every such subcontractor; and that it will also include the provisions of paragraphs 1, 5, 6, and 7 in every supply subcontract as defined in Section 2.10.(a) of the (Illinois Fair Employment Practices) Commission's Rules and Regulations for Public Contracts so that such provisions will be binding upon every such subcontractor. In the same manner as with other provisions of this contract, the contractor will be liable for compliance with applicable provisions of this clause by all its subcontractors; and further it will promptly notify the contracting agency and the (Illinois Fair Employment Practices) Commission in the event any subcontractor fails or refuses to comply therewith. In addition, no contractor will utilize any subcontractor declared by the (Illinois Fair Employment Practices) Commission to be non-responsible and therefore ineligible for contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations."

As used in the above-stated Equal Employment Opportunity Clause, the Terms "Contract," "Subcontract," "Contractor," "Subcontractor," and "Contracting Agency" shall mean "Grant," "Subgrant," "Grantee," "Subgrantee," and "Commission" respectively, as defined in these Rules and Regulations.

Section 3.2. The Equal Employment Opportunity Clause set out in Section 3.1. hereof is a material term of every grant or subgrant awarded by the Commission; and any breach of such clause shall be cause for the Commission to avoid present or future funding of the grantee or subgrantee in whole or in part in accordance with the procedures set forth in Article V, Section 5.9., herein. By virtue of Section 3.2. of the Illinois Fair Employment Practices Commission's Rules and Regulations for Public Contracts, the Equal Employment Opportunity Clause is deemed to be a part of every said grant or sub-grant as if physically incorporated therein. That requirement is, and has been, operative as to all grant applications received and grants awarded since the FEPC's Rules and Regulations went into effect on November 30, 1972.

Section 3.3. Each grantee and subgrantee shall in turn include the Equal Employment Opportunity Clause set forth in Section 3.1. hereof in each of its subgrants, either verbatim or by reference, so that the provisions of Paragraphs 1 through 7 of said clause will be binding upon subgrantees of every tier; provided, however, that only paragraphs 1, 5, 6 and 7 need be included in every subgrant as defined in Section 2.8.(a) hereof.

Article IV DUTIES OF GRANTEEES AND SUBGRANTEES

Section 4.1. General. The duties set out in this Article shall apply to all grantees and subgrantees, without regard to the amount of LEAA or ILEC funding they have requested or received, and without regard to the size of their actual or projected work force.

(a) No grantee or subgrantee shall discriminate or permit discrimination against any applicant for employment, in the terms or conditions of employment of any employee, or in connection with any apprenticeship or training program because of race, creed, color, sex, national origin or ancestry.

(b) No grantee or subgrantee which employs law enforcement officers shall maintain a height requirement as a condition of employment for such officers unless and until such grantee or subgrantee establishes to the satisfaction of the Commission that the requirement is not discriminatory against women or persons of Mexican or Puerto Rican ancestry, or other nationalities or races, or that it is operationally necessary for the designated job.

(c) Each grantee or subgrantee shall examine all of its job classifications to determine if minority persons or women are underutilized in any such classifications (see Section 4.2. hereof). If underutilization exists in any job classification, the grantee or subgrantee shall take appropriate affirmative action to rectify any such underutilization.

(d) If a grantee or performance subcontractor hires additional employees in order to perform any grant or any portion thereof, it will determine the availability (see Section 4.2. hereof) of minorities and women in the area(s) from which it may reasonably recruit, and will hire for each job classification for which employees are hired in such a way that minorities and women are not underutilized.

Section 4.2. Identification of Underutilization. All racial and minority data collected under this section should be cross-classified by sex to ascertain the extent to which minority women or minority men may be underutilized in any particular job classification.

(a) Underutilization of minorities means having fewer minority workers in a particular job classification than would reasonably be expected by their presence in the service population of the grantee and by their availability.

(i) For the purposes of these Rules and Regulations, the relevant "service population" shall be determined as follows:

(A) For adult and juvenile correctional institutions, facilities, and programs (including probation or parole programs and drug abuse or detoxification facilities), the "service population" shall be the inmate or client population served by the institution, facility, or program during the preceding fiscal year.

(B) For all other recipient law enforcement and criminal justice agencies (e.g., police and courts), the "service population" shall be the State population for State agencies, the regional population for regional agencies, the county population for county agencies, and the municipal population for municipal agencies.

(C) For all other grantees, the "service population" shall be the population of the area from which it reasonably could be expected to draw its clientele.

(ii) For the purposes of these Rules and Regulations, the availability of minority workers for any job classification shall be determined by (1) the minority population percentage(s) of the areas from which the grantee or subgrantee may reasonably recruit, and (2) the unemployment rates of minorities as compared to those of non-minorities in such areas. In addition, the grantee or subgrantee shall consider in such recruitment area(s):

- (A) the size of the minority unemployment force;
- (B) the number of minorities having requisite skills;
- (C) the promotable and transferable minorities within the grantee's or subgrantee's organization;
- (D) the existence of training institutions capable of training persons in the requisite skills; and
- (E) the degree of training which the grantee or subgrantee is reasonably able to undertake as a means of making all job classifications available to minorities.

(iii) For the purposes of these Rules and Regulations, the term "minority persons" shall include persons who are Negro, Oriental, American-Indian, or Spanish-surnamed Americans. "Spanish-surnamed Americans" means those of Latin American, Cuban, Mexican, Puerto Rican or Spanish origin.

(iv) The underutilization analysis for minorities required by Section 4.1.(b) must be carried out separately for each minority that is present in either the grantee's service population or its available labor pool to an extent of three per cent (3%) or more.

(v) All grantees subject to this Article shall complete an affirmative action program in conformity with Section 4.3. hereof, for each minority group which is three per cent (3%) or more of the service population, and which is underutilized in any job classification. All grantees subject to Article V of these Guidelines shall formulate, implement, and maintain an Equal Employment Opportunity Program in accordance with Sections 5.4. and 5.5. hereof.

A finding of significant disparity, by itself, will not be construed by the Commission, and should not be construed by the grantee, as a violation of these Guidelines.

(vi) In the conduct of reviews of affirmative action plans or programs for minorities formulated in accordance with Section 4.5. or Sections 5.4. and 5.5. of these Guidelines, or a compliance review in accordance with Section 4.4. or Section 5.6. (a) of these Guidelines, priority will be given to those grantees having a significant disparity between minority representation in the grantee's service population or available labor pool, and minority representation in the grantee's work force.

For purposes of this subsection a significant disparity may be deemed to exist if the percentage of a minority group in the employ of the grantee is not at least seventy percent (70%) of the percentage of that minority in the service population or available labor pool whichever percentage is greater.

A finding of significant disparity, by itself, will not be construed by the Commission, and should not be construed by the grantee, as a violation of these Guidelines. Other criteria may also be used in the selection of grantees for compliance reviews. Such criteria include size and frequency of grants awarded and the demographic characteristics of the grantee's service population and available labor pool. Other criteria may also be used in the selection of grantees for audits of affirmative action plans or equal employment opportunity programs or for compliance reviews.

(b) Underutilization of women means having fewer women workers in a particular job classification than would reasonably be expected by their presence in the service population of the grantee and by their availability.

(i) For the purposes of these Rules and Regulations, the relevant "service population" shall be determined as follows:

(A) For adult and juvenile correctional institutions, facilities and programs (including probation or parole programs and drug abuse or detoxification facilities), the "service population" shall be the inmate or client population served by the institution, facility, or program during the preceding fiscal year.

(B) For all other recipient law enforcement and criminal justice agencies (e.g., police and courts), the "service population" shall be the State population for State agencies, the regional population for regional agencies, the county population for county agencies, and the municipal population for municipal agencies.

(C) For all other grantees, the "service population" shall be the population of the area from which it reasonably could be expected to draw its clientele.

(ii) For the purposes of these Rules and Regulations, the availability of women workers for any job classification shall be determined by (1) the number of women generally seeking employment in any such job classification, (2) the unemployment rate of women as compared to that of men in the area(s) from which the grantee or subgrantee may reasonably recruit, and (3) the existence of a bonafide occupational qualification that disproportionately renders women unsuitable for employment in that job classification. This last factor will be narrowly construed, in accordance with the EEOC Guidelines on Employment Discrimination because of Sex, 29 C. F. R. § 1604.

In addition, the grantee or subgrantee shall consider in such recruitment area(s):

- (A) the size of the female unemployment force;
- (B) the number of women having requisite skills;
- (C) the promotable and transferable women within the grantee's or subgrantee's organization;
- (D) the existence of training institutions capable of training persons in the requisite skills; and
- (E) the degree of training which the grantee or subgrantee is reasonably able to undertake as a means of making job classifications available to women.

(iii) The underutilization analysis for women required by Section 4.1.(b) must be carried out by every grantee, whether or not minorities are present in its service population or available labor pool to a significant extent.

(iv) All grantees subject to this Article shall complete an affirmative action program for women in conformity with Section 4.3. hereof, if women are being underutilized in any job classification. All grantees subject to Article V of these Guidelines shall formulate, implement, and maintain an Equal Employment Opportunity Program in accordance with Sections 5.4. and 5.5. hereof.

(v) In the conduct of reviews of affirmative action plans or programs for women formulated in accordance with Section 4.3. or Sections 5.4. and 5.5. of these Guidelines, or a compliance review in accordance with Section 4.4. or Section 5.6.(a) of these Guidelines, priority will be given to those grantees whose plans or programs for minorities have been selected for review in accordance with Section 4.2.(a) (vi) hereof. Reviews of affirmative action plans and programs and compliance reviews directed to plans or programs for women also will be conducted for those grantees having a minority service population of less than three per cent (3%).

Section 4.3. Affirmative Action Plans and Programs

(a) Whenever a grantee or subgrantee who is not obligated to comply with the more stringent standards of Article V of these Rules and Regulations is required pursuant to Sections 4.2.(a) (v) and 4.2.(b) (iv) hereof to develop and implement a written affirmative action program acceptable to the Commission to overcome underutilization of minority persons and/or women, the standards of this Section shall be applicable.

(b) An acceptable affirmative action plan shall include:

(i) A description of the grantee's or subgrantee's work force analysis made in accordance with Section 4.2. hereof; and

(ii) Goals and timetables to which the grantee's or subgrantee's recruitment, hiring, or promotion efforts shall be directed to correct any identified underutilization. In the case of a construction contract such goals and timetables must be geared to the completion stages of the contract.

(c) In addition, an affirmative action program normally would include a detailed description of positive steps taken or to be taken to overcome underutilization and to attain the established goals, such as:

- (i) specific programs established to more vigorously and effectively recruit minorities and/or women;
- (ii) solicitations to appropriate labor organizations, apprenticeship and training programs, etc., for support and participation;
- (iii) the manner in which the grantee or subgrantee has disseminated its equal employment policy among employees and potential sources of minority and/or female applicants;
- (iv) a thorough re-evaluation of current hiring and promotion criteria, techniques and procedures for assessing or predicting performance in relevant job classifications, so as to eliminate unnecessary and discriminatory requirements or qualifications;
- (v) the grantee's or subgrantee's establishment of and involvement in training and/or apprenticeship programs to instruct minorities and/or women in skills necessary for employment and advancement; and/or
- (vi) utilization of minority and/or female subgrantees and commercial institutions.

(d) Affirmative action plans developed by the grantee pursuant to another governmental program may be accepted by the Commission in lieu of the plan or program required by this Article. Such plans and programs of criminal justice and law enforcement agencies will be accepted only if they comply substantially with the provisions of this article.

Normally, grantees other than law enforcement and criminal justice agencies may expect the Commission to approve their use of a plan or program developed for another governmental agency upon satisfactory proof that such plan or program is current and has been approved by the governmental agency for which it has been developed.

In the absence of such proof, the Commission will require written approval by LEAA and FEPC to fund the grantee before authorizing release of any funds.

(e) Nothing in this section or in these guidelines shall be construed to require a grantee or subgrantee to adopt quotas for the recruitment, hiring, or promotion of minorities or women.

(f) A determination by the Commission that a person is qualified to bid as to equal employment opportunity responsibility shall remain valid for such period as the Commission may specify or until such determination is suspended or revoked in accordance with this Article.

(g) Upon the written request of a grantee, which request shall state the reasons therefore, the Commission may exempt any person from the requirements of this Section when it deems that exceptional circumstances and the public interest so require, provided, however, that the FEPC must concur in such action. Such exemption shall be granted for a specified purpose, and duration but may be

withdrawn by the Commission at any time; provided however, that such withdrawal of exemption shall not apply to grants or subgrants awarded prior to the withdrawal.

Section 4.4. Information and Reports. Grantees and subgrantees shall complete and file all appropriate reports as required under Article V hereof and shall supply the Commission, the Illinois Fair Employment Practices Commission, and the Law Enforcement Assistance Administration or its staff with such relevant information, reports, and documents, and permit access to relevant books, records, facilities, operations and personnel, as may be required in order to determine compliance with these Rules and Regulations. Information obtained in this manner shall be used only in connection with the administration of these Rules and Regulations.

Section 4.5. Recruitment of Employees. In all solicitations or advertisements for employees placed by it or on its behalf, each grantee and performance subcontractor shall state that all applicants will be afforded equal employment opportunity without discrimination because of race, color, religion, sex, national origin or ancestry. Grantees and performance subcontractors shall also advise in writing their personnel, their employee referral sources, and any labor organizations or representatives with which they have collective bargaining agreements or other agreements or understandings, of the grantee's or subgrantee's equal employment opportunity obligations under State and federal law, these Rules and Regulations, and any affirmative action program it has adopted. If any labor organization with which such grantee or subgrantee has an exclusive hiring or referral arrangement fails or refuses to refer minority or female applicants to the grantee or subgrantee in numbers sufficient for it to meet its obligations as detailed above, the grantee or performance subcontractor shall solicit and employ minority or female applicants from other sources. It shall be no excuse that the labor organization with which the grantee or subgrantee has such an agreement failed to refer sufficient minority or female employees.

Section 4.6. Segregated Facilities. Each grantee and subgrantee shall provide facilities for employees at its places of business without segregation except where separate facilities for a person of the opposite sex are required. Each grantee and subgrantee shall further ensure, to the greatest extent possible, that employees are not assigned to work at any location where facilities are so segregated.

Section 4.7. Subcontracts. No grantee shall, during the performance of any grant, enter into a subgrant with any person which has been determined by the Commission or by the Illinois Fair Employment Practices Commission to be nonresponsible and therefore ineligible for grants or subgrants. In the same manner as with other provisions of its grant, every grantee shall be liable for compliance with the applicable provisions of the Equal Employment Opportunity Clause by all its subgrantees; and, further, it shall promptly notify the Commission, the Illinois Fair Employment Practices Commission and the Law Enforcement Assistance Administration if any subgrantee fails or refuses to comply therewith.

Article V

SPECIAL PREQUALIFICATION AND AFFIRMATIVE ACTION REQUIREMENTS

Section 5.1. Application. Each recipient of LEAA assistance within the criminal justice system which has 50 or more employees and which has received grants or subgrants of \$25,000 or more pursuant to and since the enactment of the Safe Streets Act of 1968, as amended, and which has a service population with a minority representation of 3 per cent or

more, is required to formulate, implement and maintain an Equal Employment Opportunity Program relating to employment practices affecting minority persons and women by December 29, 1973, or within 120 days after the initial application for assistance is approved, whichever is sooner. Where a recipient has 50 or more employees, and has received grants or subgrants of \$25,000 or more, and has a service population with a minority representation of less than 3 per cent, such recipient is required to formulate, implement, and maintain an Equal Employment Opportunity Program relating to employment practices affecting women.

(a) As used in this Article, "Recipient" means any state, political subdivision of any state, combination of such states or subdivisions, or any department, agency or instrumentality of any of the foregoing receiving Federal financial assistance from LEAA, directly or through another recipient, or with respect to whom an assurance of civil rights compliance given as a condition of an earlier receipt of assistance is still in effect.

(b) The obligation of a recipient to formulate, implement, and maintain an equal employment opportunity program, in accordance with this Subpart, includes, but is not limited to, state and local police agencies, correctional agencies, criminal court systems, probation and parole agencies, and similar agencies responsible for the reduction and control of crime and delinquency.

(c) The equal employment opportunity program formulated in accordance with this Article shall include all agencies, departments, commissions, or other subparts of a unit of general local government currently directly supported, or sought to be directly supported, in whole or in part by LEAA funds; and shall analyze the equal employment opportunity requirements of such subpart separately.

(d) Notwithstanding any other provision of these Guidelines, the following grantees shall not be subject to the requirements of this Article:

- (i) Educational institutions;
- (ii) General Hospital or medical facilities other than drug abuse or detoxification centers;
- (iii) Non-profit organizations, other than units of general local government, their agencies, departments, commissions, or other subparts;
- (iv) Private construction contractors.

Civil rights compliance for persons in categories (i) - (iii) is under the jurisdiction of the Department of Health, Education and Welfare, and such persons shall conform their employment practices to the applicable HEW Equal Employment Opportunity Guidelines. Civil rights compliance for persons in category (iv) is under the jurisdiction of the Department of Labor, and such persons shall conform their employment practices to the applicable Department of Labor Equal Employment Opportunity Guidelines.

Section 5.2. Computation of Minimum Grant Requirement.

(a) Units of general local government. All LEAA grants awarded to or grant applications filed on behalf of the same grantee will be aggregated to determine whether the \$25,000 has been met.

(b) Other grantees. All grantees other than units of local government shall aggregate all LEAA grants or subgrants awarded to them, or grant applications filed on their behalf to determine whether the \$25,000 limitation is met.

(c) Subgrantees. The amount of the grant award or the grant request is the amount attributed to all subgrantees for purposes of this Section.

(i) If a single grant award to a grantee is in excess of \$25,000 and that grantee has fifty (50) or more employees, then all subgrantees of that grantee under that grant must comply with the requirements of this Article, if they employ fifty (50) or more persons without regard to what share of the grant they receive, unless exempted by Section 5.1.(d) hereof.

All other subgrantees to such a grant will comply with the relevant provisions of Article IV hereof.

(ii) If a single grant award to a grantee is in excess of \$25,000, and that grantee has less than fifty (50) employees, then only those subgrantees under that grant having fifty (50) or more employees must comply with the requirements of this Article; but they must do so without regard to what share of the grant they receive, unless exempted by Section 5.1.(d) hereof.

(iii) If no single grant award to a grantee exceeds \$25,000 then no subgrantee under any grant need comply with the requirements of this Article unless:

(A) If it has more than fifty (50) employees; and

(B) the amount awarded it under the grant, when aggregated with amounts awarded it under other grants or grant applications, is in excess of \$25,000.

All other subgrantees will comply with the relevant provisions of Article IV hereof.

Section 5.3. Computation of Minimum Employee Requirement.

(a) Units of general local government. The employees to be considered in determining whether the fifty (50) employee limitation is met are all persons working in any agency, department, commission, or other sub-part of the grantee currently supported or sought to be directly supported in whole or in part by LEAA funds.

(i) The number of employees counted shall not be limited to those persons directly supported by a grant or grants, but shall extend to all employees of the same agency, department, commission or other sub-part of the grantee that is entitled to expend the funds.

(ii) The number of employees in all such sub-parts of a grantee shall be aggregated to determine if said unit meets the fifty (50) employee minimum.

(iii) Employees from sub-parts of a grantee not supported or sought to be supported by LEAA funds need not be counted in determining whether the fifty (50) employee limitation is met.

- (iv) For any multi-jurisdictional grant of \$25,000 or more, each directly benefitted participating law enforcement or criminal justice agency employing fifty (50) or more employees will comply with the provisions of Sections 5.4. - 5.5. hereof. Any directly benefitted participating law enforcement or criminal justice agency employing less than fifty (50) employees will comply with the relevant provisions of Article IV hereof. The provisions of this subsection apply to all directly benefitted participating law enforcement or criminal justice agencies that are applicants, co-applicants, grantees, or subgrantees or are identified in the grant application as a directly benefitting and participating law enforcement or criminal justice agency.
- (b) Other grantees. All grantees other than units of general local government shall include all employees in their entire organization in determining whether the fifty (50) employee limitation is met.
- (c) Subgrantees. The number of employees attributed to a subgrantee is never less than the number of employees attributed to the grantee itself, for the purposes of this section.
- (i) If a single grant award to a grantee is in excess of \$25,000 and that grantee has fifty (50) or more employees, then all subgrantees of that grantee under that grant who also employ 50 or more employees, must comply with the requirements of this Article, unless exempted by Section 5.1.(d) hereof.
- (ii) If a single grant award to a grantee is in excess of \$25,000 and that grantee has less than fifty (50) employees, then only those subgrantees under that grant having fifty (50) or more employees must comply with the requirements of this Article; but they must do so without regard to what share of the grant they receive, unless exempted by Section 5.1.(d) hereof.
- (iii) If a grantee has less than fifty (50) employees and no single award to it exceeds \$25,000, then no subgrantee under any grant, need comply with the requirements of this Article unless:

(A) it has more than fifty employees; and

(B) the amount awarded to it under the grant, when aggregated with amounts awarded to it under other grants or grant applications, is in excess of \$25,000.

All other subgrantees will comply with the relevant provisions of Article IV hereof.

Section 5.4. Evaluation of Employment Opportunities. Any grantee or subgrantee covered by Sections 5.1. through 5.3. of these Rules and Regulations shall develop a work force analysis and an affirmative action program in accordance with this Section and Section 5.5. of these Rules and Regulations.

- (a) A necessary prerequisite to the development and implementation of a satisfactory Equal Employment Opportunity Program is the identification and analysis of any problem areas inherent in the utilization or participation of minorities and women in all of the recipient's employment phases (e.g., recruitment, selection, and promotion) and the evaluation of employment opportunities for minorities and women.

(b) In many cases an effective Equal Employment Opportunity Program may only be accomplished where the program is coordinated by the recipient agency with the cognizant Civil Service Commission or similar agency responsible by law, in whole or in part, for the recruitment and selection of entrance candidates and selection of candidates for promotion. The recipient shall engage in such coordination as, and to the extent that, it is necessary.

(c) In making the evaluation of employment opportunities, the recipient shall conduct such analysis separately for minorities and women. However, all racial and ethnic data collected to perform an evaluation pursuant to the requirements of this section should be cross-classified by sex to ascertain the extent to which minority women or minority men may be underutilized. The evaluation should include, but not necessarily be limited to, the following factors:

(i) An analysis of the present representation of women and minority persons in all job categories in accordance with Section 4.2. of these Rules and Regulations.

(ii) An analysis of all recruitment and employment selection procedures for the preceding fiscal year, including such things as position descriptions, application forms, recruitment methods and sources, interview procedures, test administration and test validity, educational prerequisites, referral procedures and final selection methods, to insure that equal employment opportunity is being afforded in all job categories.

(iii) An analysis of seniority practices and provision, upgrading and promotion procedures, transfer procedures (lateral or vertical), and formal and informal training programs during the preceding fiscal year, in order to insure that equal employment opportunity is being afforded;

(iv) A reasonable assessment to determine whether minority employment is inhibited by external factors such as the lack of access to suitable housing in the geographical area served by a certain facility or the lack of suitable transportation (public or private) to the workplace.

Section 5.5. Written Equal Employment Opportunity Program. Each recipient's Equal Employment Opportunity Program shall be in writing and shall include:

(a) A job classification table or chart which clearly indicates for each job classification or assignment the number of employees within each respective job category classified by race, sex, and national origin. Also, principal duties and rates of pay should be clearly indicated for each job classification. Where auxiliary duties are assigned or more than one rate of pay applies because of length of time in the job or other factors, a special notation should be made. Where the recipient operates more than one shift or assigns employees within each shift to varying locations, as in law enforcement agencies, the number by race, sex, and national origin on each shift and in each location should be identified. When relevant, the recipient should indicate the racial/ethnic mix at the geographic area of assignments by the inclusion of minority population and percentage statistics.

(b) The number of disciplinary actions taken against employees by race, sex, and national origin within the preceding fiscal year, the number and types of sanctions imposed (suspension indefinitely, suspension for a time, loss of pay, written reprimand, oral reprimand, other) against individuals by race, sex, and national origin.

- (c) The number of individuals by race, sex, and national origin (if available) applying for employment within the preceding fiscal year and the number by race, sex, and national origin (if available) of those applicants who were offered employment and those who were actually hired. If such data is unavailable, the recipient should institute a system for the collection of such data.
- (d) The number of employees in each job category by race, sex, and national origin who made application for promotion or transfer within the preceding fiscal year and the number in each job category by race, sex, and national origin who were promoted or transferred.
- (e) The number of employees by race, sex, and national origin who were terminated within the preceding fiscal year, identifying by race, sex, and national origin which were voluntary and involuntary terminations.
- (f) Available community and area labor characteristics within the relevant geographic area including total population, workforce and existing unemployment by race, sex, and national origin. Such data may be obtained from the Bureau of Labor Statistics, Washington, D.C., state and local employment services, or other reliable sources. Recipients should identify the sources of the data used.
- (g) A detailed narrative statement setting forth the recipient's existing employment policies and practices, as defined in 28 C.F.R. § 42.202(b). Thus for example, where testing is used in the employment selection process, it is not sufficient for the recipient to simply note the fact. The recipient should identify the test, describe the procedures followed in administering and scoring the test, state what weight is given to test scores, describe how a cut-off score is established and whether the test has been validated to predict or measure job performance and, if so, furnish a detailed description of the validation study. Similarly detailed responses are required with respect to other employment policies, procedures, and practices used by the applicant.
- (i) The statement should include the recipient's detailed analysis of existing employment policies, procedures, and practices as they relate to employment of minorities and women, (see 5.4.) and, where improvements are necessary, the statement should set forth in detail the specific steps the recipient will take for the achievement of full and equal employment opportunity. For example, the Equal Employment Opportunity Commission, in carrying out its responsibilities in ensuring compliance with Title VII has published Guidelines on Employee Selection Procedures (29 CFR Part 1607) which among other things, proscribes the use of employee selection practices, procedures, and devices (such as tests, minimum educational levels, oral interviews and the like) which have not been shown by the user thereof to be related to job performance and where the use of such an unvalidated selection device tends to disqualify a disproportionate number of minority individuals and women for employment. The EEOC Guidelines set out appropriate procedures to assist in establishing and maintaining equal employment opportunities. Recipients of LEAA assistance using selection procedures which are not in conformity with the EEOC Guidelines shall set forth the specific areas of nonconformity, the reasons which may explain any such nonconformity, and if necessary, the steps the recipient agency will take to correct any existing deficiency.
- (ii) The recipient should also set forth a program for recruitment of minority persons based on an informed judgment of what is necessary to

attract minority applications including, but not necessarily limited to, dissemination of posters, use of advertising media patronized by minorities, minority group contacts, and community relations programs. As appropriate, recipients may wish to refer to recruitment techniques suggested in Revised Order No. 4 of the Office of Federal Contract Compliance, U.S. Department of Labor, found at 41 CFR 60-2.24(e).

(h) Plan for dissemination of the applicant's Equal Employment Opportunity Program to all personnel, applicants and the general public. As appropriate recipients may wish to refer to the recommendations for dissemination of policy suggested in Revised Order No. 4 of the Office of Federal Contract Compliance, U.S. Department of Labor, found at 41 CFR 60-2.21.

(i) Designation of specified personnel to implement and maintain adherence to the Equal Employment Opportunity Program and a description of their specific responsibilities suggested in Revised Order No. 4 of the Office of Federal Contract Compliance, U.S. Department of Labor, found at 41 CFR 60-2.22.

(j) Goals and timetables, as specified in Section 4.3(b) (ii) of these Guidelines.

Section 5.6. Record Keeping and Certification. The recipient and the Commission shall comply with the following requirements:

(a) The Equal Employment Opportunity Program and all records used in its preparation shall be kept on file and retained by each recipient covered by this Article for subsequent audit or review by responsible personnel of the Commission or the LEAA.

(b) The Commission requires that all grantees or subgrantees covered by the provisions of this Article execute an Equal Employment Opportunity Program in accordance with the provisions of Section 5.4. and 5.5. of these Rules and Regulations as a condition for continued eligibility for Commission funds.

(c) Falsification of a certification required by Section 7.2. or by Section 7.3. herein by any grantee will be grounds for immediate suspension of funds by the Executive Director as provided in Article 2, Section D, of the Commission's Operating Procedures for the Award of Grants. Any such suspension shall be subject to an appeal by the grantee in accord with Article 6 of the Commission's Operating Procedures For the Award of Grants.

Section 5.7. Guidelines.

(a) Recipient agencies are expected to conduct a continuing evaluation to ascertain whether any of their recruitment, employee selection, or promotional policies (or lack thereof) directly or indirectly have the effect of denying equal employment opportunities to minority individuals or women.

(b) Post-award compliance reviews of recipient agencies will be scheduled by LEAA and by the Commission, giving priority to any recipient agencies which have a significant disparity between the percentage of minority persons in the service population or in the available labor pool and the percentage of minority employees in the agency. The existence of a significant disparity will be determined in accordance with Section 4.2. of these Rules and Regulations.

(c) Equal Employment Opportunity Program modification may be suggested by LEAA or by the Commission whenever identifiable selection procedures and policies suggest to LEAA or to the Commission the appropriateness of improved selection procedures and policies. Accordingly, any recipient agencies falling within this category are encouraged to develop recruitment, hiring or promotional guidelines under their Equal Employment Opportunity Program which will correct, in a timely manner, any identifiable employment impediment which may have contributed to the existing disparities.

Section 5.8. Obligations of Recipients and Sanctions for Noncompliance.

(a) The obligation of those recipients subject to this Article for the maintenance of an Equal Employment Opportunity Program shall continue for the period during which the LEAA assistance is extended to a recipient, or for the period during which a comprehensive law enforcement plan filed pursuant to the Safe Streets Act is in effect within Illinois, whichever is longer, unless assurances of compliance filed by a recipient in accordance with 28 CFR § 42.204(a) (2) specify a different period.

(b) In addition to the penalties that may be imposed for violation of other parts of these Rules and Regulations, failure to implement and maintain an Equal Employment Opportunity Program as required by this Article shall subject recipients of LEAA assistance to the sanctions prescribed by the Safe Streets Act of 1968, as amended, and the equal employment opportunity requirements of the Department of Justice, as set out in 28 CFR § 42.205 and 42 USC § 3757.

Section 5.9. Provision of Technical Assistance and Review of Equal Employment Opportunity Programs: The procedures of this Section shall apply to affirmative action plans or programs formulated by grantees in accord with Sections 4.3. and 4.4. herein, and to Equal Employment Programs formulated in accord with Sections 5.4., 5.5. and 5.6.(a) herein. Normally, compliance reviews will be conducted as post-award audits pursuant to EEO certifications signed by the grantee as a condition of receipt of ILEC funds. The Executive Director will promulgate procedures and criteria governing its approach to the conduct of compliance reviews. Such procedures will specify the conditions under which reviews will be conducted.

(a) Technical Assistance: It is the policy of the Commission to assist all grantees to meet all Equal Employment Opportunity requirements. Consistent with its resources the Commission will give priority to providing assistance to grantees subject to this Article to enable them to develop effective Equal Employment Opportunity Programs in accord with these Guidelines.

(b)

(i) Compliance Reviews: In the course of the review of such programs the Compliance Officer shall review with the grantee the grantee's Equal Employment Opportunity Program comparing it with the requirements of these Guidelines. In any case in which it appears to the Compliance Officer that the grantee's Equal Employment Opportunity Program is not consistent with or does not fully comply with any provision of these Guidelines, the Compliance Officer will offer full consultative and advisory assistance to the grantee to enable the grantee to fully comply with these Guidelines and to formulate, implement, and maintain an effective Equal Employment Opportunity Program. At any time during the course of such review, the Compliance Officer may request the grantee to provide

information relevant to the grantee's Equal Employment Opportunity Program which the grantee is required to maintain under Section 5.6.(a) herein, or make available other information as the Compliance Officer deems necessary to the conduct of a reasonable and thorough review.

(ii) Any failure, refusal, or unreasonable delay in supplying relevant information requested by the Compliance Officer may be considered by the Commission as a separate and distinct violation of these Guidelines.

(iii) Consistent with the compliance review procedure adopted by LEAA, a compliance review may also include contacts with representatives of minority and womens' groups and other organizations as appropriate and practical.

(iv) The Executive Director shall regularly report to the Commission on compliance reviews scheduled with reasons for such reviews, and the status of reviews underway.

(c)

(i) Conciliation: If the grantee refuses, or fails by inaction or unreasonable delay, to eliminate any substantial inconsistency between its Equal Employment Opportunity Program and the provisions of these Guidelines, or to bring all the provisions of its Program into full compliance with the Guidelines the Compliance Officer shall attempt, through conference and persuasion, to achieve a conciliation with the grantee whereby the grantee and the Compliance Officer will agree to the actions to be taken by the grantee, and to the assistance to be provided by the Compliance Officer, if any, whereby the grantee's Equal Employment Opportunity Program will become fully in accord with these Guidelines in its formulation, implementation, and maintenance.

(ii) Failing in efforts to achieve conciliation, the Compliance Officer will make a written report including findings and recommendations to the Executive Director who shall then forward it to the grantee with or without comment. The report will be sufficiently complete in detail to afford the grantee a reasonable opportunity for knowing the bases for the findings and recommendations.

(d) Within twenty-one (21) days of receipt of the Compliance Officer's report, the grantee may advise the Executive Director in writing of the Grantee's desire for the appointment of a Conciliator for formal conciliation of issues raised in the Compliance Officer's Report. If no request for conciliation is submitted, the Compliance Officer's Report shall be acted upon by the Executive Director in accordance with subsections g(ii) and g(iii) hereof.

(e) Upon receipt of the written request for Conciliation, the Chairman of the Commission will appoint a member of ILEC to serve as the Conciliator. The Commissioner so designated will conduct meetings and attempt to secure an agreement between the grantee and the Compliance Officer of those issues in the written report that remain unresolved.

(f)

(i) The Conciliator will file a final report of the conciliation efforts within 60 days of the designation of formal conciliation by the Chairman of ILEC.

The Report will indicate issues in which agreement was not secured and recommendations for action on these issues. The Report will be forwarded to both the Executive Director and the grantee upon its completion.

(ii) All conciliation agreements obtained by the Compliance Officer or the Conciliator shall be put in writing and shall fully set forth every term of agreement reached and if necessary, the manner in which each term will be carried out. Each agreement will be signed by the parties to the conciliation and made part of the Commission's files.

(g)

(i) Within twenty-one (21) days of receipt thereof, the grantee or any affected subgrantee may file with the commission its written objections, if any, to the Report and recommendations of the Conciliator and/or Compliance Officer. These objections shall be detailed and shall be accompanied by a full statement in support thereof.

(ii) With respect to any pending applications involving the grantee, the Executive Director or, where appropriate, the Grants Committee, will review the report and recommendations of the Conciliator and/or Compliance Officer, together with any objections thereto, and on that basis shall decide whether to award or deny the application(s) at issue. A copy of the decision of the Executive Director or the Grants Committee shall be promptly forwarded to the applicant accompanied where appropriate by a notice of the grantee's right to appeal that decision in accordance with Article 6 of the Commission's Operating Procedures for the Award of Grants and Processing of Appeals.

(iii) With respect to any currently operational grant involving the grantee, the Executive Director will review the report and recommendations of the Conciliator and/or Compliance Officer, together with any objections thereto, and on that basis he shall recommend to the Commission whether it should suspend, rescind, terminate, revoke or keep in force the grant(s) in question.

(iv) The Commission shall review the recommendation of the Executive Director and shall approve, approve in part, or shall disapprove the recommendation. A copy of the Commission's decision shall be promptly forwarded to the grantee accompanied where appropriate by a notice of the grantee's right to appeal that decision in accordance with Article 6 of the Commission's Operating Procedures For the Award of Grants and the Processing of Appeals.

(h) In the event that a grantee notifies the Commission of its intention to exercise its right to appeal in accordance with Sections (g) (ii) or (g) (iv) above, the Commission shall reserve the right to seek the assistance of the LEAA Office of Civil Rights Compliance and the FEPC, in resolving the matter through conference and conciliation, but only as the appeal provided for by Article 6 of the Commission's Operating Procedures For the Award of Grants and the Processing of Appeals is proceeding.

(i) A decision by the Commission either sustaining or overturning the actions of the Executive Director or Grants Committee shall be effective as of the date the Commission acts, unless at that time the Commission specifically provides that its

decision should be stayed for a period not to exceed the pendency of further appeals within the Commission's administrative appeal process.

(j)

(i) Within seven (7) days after an adverse action by the Commission, the grantee or applicant aggrieved will be notified of the action and supplied with a statement of the reasons therefor.

(ii) Within fourteen (14) days from the day of mailing of the notice of adverse action and reasons therefor, the grantee aggrieved may answer and appeal the decision, by so stating in writing. This written answer and appeal shall contain specific reasons stating why the action allegedly was in error.

(iii) If no timely appeal is taken from an adverse action, such action will be deemed final, and no further processing before the full Commission or the Appeal Board will be undertaken.

(k) A final decision under Article 6 of the Commission's Procedures for the Award of Grants and the Processing of Appeals, that the grantee has substantially violated, in whole or in part, any provision of these Guidelines and that such substantial violation remains uncorrected shall result in the following actions:

(i) All state and federal assistance then extended by the Commission to such grantee in the program(s) where such violation(s) occurred shall immediately terminate, and the LEAA Office of Civil Rights Compliance and FEPC will be so notified;

(ii) The Commission will not resume funding terminated in accordance with subsection (i) above nor consider the grantee eligible to apply for new or additional funding until the Commission has determined that such grantee has ceased all violations of these Guidelines, and has demonstrated to the Commission its capacity to comply henceforth with said Guidelines;

(iii) All relevant Commission data on such cases — including at a minimum the Conciliator's and/or Compliance Officer's report and recommendation, any objections thereto, any action taken by the Executive Director or Grants Committee and the Commission's determination — shall be forwarded immediately to the LEAA Office of Civil Rights Compliance and the FEPC;

(iv) Further remedial action, civil or otherwise may be initiated, as appropriate, in the discretion of LEAA, the United States Department of Justice, or the FEPC.

Article VI COMPLAINT REFERRAL PROCEDURES

Section 6.1. General. In the event that a person shall allege that a grantee has violated, is violating, or is about to violate any Rule or Regulation of the Commission, or any State or Federal Law, Statute, Rule or Regulation relative to equal employment opportunity, such complaints shall be referred directly to LEAA and FEPC for remedial action. The following procedures shall apply to the referral of such complaints.

Section 6.2. Procedures.

- (a) The Compliance Officer will receive and log in all complaints of civil rights non-compliance.
- (b) The complaint must:
 - (i) be in writing;
 - (ii) describe the type of discrimination alleged;
 - (iii) indicate when and where the alleged discrimination occurred.
- (c) The written complaint may be received by the Commission and shall be forwarded to LEAA, or FEPC or both.

Section 6.3. Jurisdiction. The Executive Director and the Compliance Officer will jointly review each complaint and determine whether the jurisdiction of the Commission under this complaint process is established, based on:

- (a) an allegation regarding a violation of Title VI of the Civil Rights Act of 1964, as amended; or
- (b) an allegation regarding a violation of the Department of Justice and/or LEAA Regulations on Equal Employment Opportunity (hereinafter collectively referred to as the "Nondiscrimination Requirements") or
- (c) an allegation regarding a violation of the Illinois Fair Employment Practices Act or the Rules and Regulations for Public Contracts of the Illinois Fair Employment Practices Commission promulgated pursuant thereto; and
- (d) Evidence that on the date of the alleged discrimination that the alleged discriminating party was receiving funding from the Commission, or that on said date an application for such funding from such party was received by, or was under consideration by, the Chicago office of the Commission, or that on said date a request for such funding from such party was pending in a regional planning unit of the Commission, and that said request was subsequently received by the Chicago office of the Commission.

Section 6.4. Processing of Complaint where Jurisdiction is Absent. If the jurisdiction of the Commission is not established, the Compliance Officer shall:

- (a) notify the complainant and apprise him of the reason(s) why Commission jurisdiction can not be established;
- (b) where appropriate, advise the complainant of the cognizant civil rights compliance regulatory agency (e.g., EEOC, FEPC) and forward a copy of the complaint to such agency;
- (c) complete the appropriate entry in the complaint log to reflect the final disposition of the complaint;
- (d) notify the LEAA Office of Civil Rights Compliance of the actions taken above.

Section 6.5. Processing of Complaint where Jurisdiction is Present. If the jurisdiction of the Commission is established, the Compliance Officer shall send a written letter of acknowledgment to the complainant and advise him:

(a) ~~of the~~ nondiscrimination requirements in federally assisted programs and projects and of the available sanctions in the event of noncompliance;

(b) ~~of his right~~ to file a complaint with any or all of the following agencies concerning violation of these requirements:

- (i) the Commission;
- (ii) the Illinois Fair Employment Practices Commission (FEPC)
- (iii) the LEAA
- (iv) any other agency having jurisdiction over the alleged discrimination practice;

(c) that his identity shall be kept confidential except to the extent necessary to conduct an investigation or any hearing necessitated by the complaint; and;

(d) that a copy of the complaint has been forwarded to the LEAA Office of Civil Rights Compliance and the Illinois Fair Employment Practices Commission for such further action as they deem appropriate.

The Compliance Office will also advise the grantee or subgrantee against whom a complaint has been lodged that a violation of nondiscrimination has been alleged, the nature of the allegation, the available sanctions in the event the allegation is sustained, and of (a) and (d) above, and shall immediately forward a copy of the complaint to the LEAA and the FEPC.

Section 6.6. Cooperation with Other Civil Rights Compliance Agencies. The Commission will render whatever assistance is required of it by LEAA or FEPC in order to insure that complaints filed against its recipients are fully, fairly and expeditiously investigated and that charges substantiated by such investigations are remedied with dispatch.

Article VII

CERTIFICATION OF COMPLIANCE WITH NON-DISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY REQUIREMENTS

Section 7.1. Prior to the authorization to fund new or continuing programs under the Omnibus Crime Control and Safe Streets Act of 1968, as amended, all applicants shall file the following certification, properly executed, with the Commission:

ASSURANCE OF COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, U.S. DEPARTMENT OF JUSTICE REGULATION, TITLE 28, CODE OF FEDERAL REGULATIONS, PART 42, SUBPART C, 42.101-112; SUBPART D, 42.201-206; SUBPART E 42.301-305; THE HEIGHT REQUIREMENT GUIDELINES, G7400.2A, OF THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION; ILLINOIS LAW ENFORCEMENT COMMISSION EQUAL EMPLOYMENT OPPORTUNITY GUIDELINES; THE ILLINOIS FAIR EMPLOYMENT PRACTICES ACT AS AMENDED, AND ALL RULES, REGULATIONS, AND GUIDELINES, AS AMENDED, OF THE ILLINOIS FAIR EMPLOYMENT PRACTICES COMMISSION.

(Name of Applicant) (hereafter called the "Applicant")

HEREBY ASSURES that it is in compliance with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and that it shall continue to comply with Title VI of said Act and all requirements imposed by or pursuant to the Regulations of the Illinois Law Enforcement Commission issued pursuant to that title, to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance from the Illinois Law Enforcement Commission; and HEREBY GIVES ASSURANCE THAT it will take any measures necessary to effectuate this agreement.

THE APPLICANT FURTHER ASSURES that it is in compliance with; and that it shall continue to comply with the Department of Justice Regulations on Equal Employment Opportunity in federally assisted programs (Title 28 CFR Part 42, Subpart C, Subpart D, and Subpart E) the Height Requirement Guidelines G7400.2A of the Law Enforcement Assistance Administration, ILEC Equal Employment Opportunity Guidelines, Fair Employment Practices Act, as amended, and all Rules, Regulations and Guidelines of the Illinois Fair Employment Practices Commission, to the end that there shall be no discrimination on the grounds of race, color, creed, sex, or national origin, in the employment practices of law enforcement agencies and other agencies or offices of states or units of general local government administering, conducting, or participating in any program or activity receiving Federal financial assistance extended by the Law Enforcement Assistance Administration of the U.S. Department of Justice.

THE APPLICANT RECOGNIZES the right of the Illinois Law Enforcement Commission to deny, withhold, suspend or terminate any application, contract, grant award or any disbursement of funds thereunder, if at any time there is cause to believe that the applicant is not in compliance with the foregoing in accord with Section 5.9. of these Guidelines.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Applicant by the Illinois Law Enforcement Commission, including installment payments after such date on account of applications for Federal financial assistance which were approved before such date. The applicant recognizes and agrees that such Federal financial assistance has been and will continue to be extended in reliance on the representations and agreements made in this assurance, and that, in addition to any remedies available to the Illinois Law Enforcement Commission and/or the Illinois Fair Employment Practices Commission, the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Applicant.

(Applicant)

(Dated)

by

(Authorized Official)

Section 7.2. Grantees and Subgrantees subject to Article IV of these Guidelines. All non-criminal justice agencies and all other grantees and subgrantees employing from 15 through 49 persons during the life of the grant or receiving less than \$25,000 from the Illinois Law Enforcement Commission pursuant to and since enactment of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, shall file the following certification, properly executed, with the Commission prior to the authorization to fund new or continuing programs:

I, _____ (the grantee or subgrantee) certify that the _____ (name of grantee or subgrantee) by virtue of (check as many as applicable) _____
 (a) grant size limitation, _____ (b) work-force size, _____ (c)
 Section 5.1. (d) other: _____ (Please specify) is exempt from the requirements of
 Article V of the Illinois Law Enforcement Commission Equal Employment Opportunity
 Guidelines.

I further certify that the grantee or subgrantee either has developed an affirmative action plan pursuant to another governmental program or has conducted an analysis of its work-force in accordance with Section 4.2. of the Illinois Law Enforcement Commission Equal Employment Opportunity Guidelines; and, if indicated by that analysis, that it has developed and shall implement an affirmative action plan in accordance with Section 4.3. of those Guidelines; and that documents evidencing either of these compliance efforts are on file in the Office of,

(Name) _____ (title) at _____ (address)
 for review or audit by officials of the Illinois Law Enforcement Commission or the Illinois Fair Employment Practices Commission, as required by relevant laws and regulations.

Section 7.3. Recipients subject to Article V of these Guidelines. Recipient law enforcement and criminal justice agencies employing 50 or more persons during the life of the grant applied for, and receiving \$25,000 or more from the Illinois Law Enforcement Commission, including the grant being sought, pursuant to and since the enactment of the Omnibus Crime Control and Safe Streets Act of 1968 as amended, shall, prior to authorization to fund new or continuing programs, file a certificate with the Commission, properly executed, stating as follows:

I, _____ (person filing application)
 certify that _____ (recipient agency)
 have formulated an Equal Employment Opportunity Program in accordance with 28 CFR 42.301 et seq. and that it is on file in the office of:

(Name) _____
 (Address) _____
 (Title) _____

for review or audit by officials of the Illinois Law Enforcement Commission or the Law Enforcement Assistance Administration, as required by relevant laws and regulations.

(Signature) _____
 (Title) _____
 (Date) _____

Section 7.4. Recipients Employing Less Than 15 Persons. Recipients employing less than 15 persons during the life of the grant being applied for shall file the following certification, properly executed, with the Commission prior to authorization to fund new or continuing programs:

I, _____ (name of grantee or subgrantee)
 certify that _____ (grantee or subgrantee)
 will have no more than (14) positions on its payroll during the life of the grant being applied for, and that _____

_____ (name of grantee or subgrantee)
 will comply with Article III and Sections 4.1.(a), 4.4., 4.5., 4.6., and 4.7. of the Equal Employment Opportunity Guidelines of the Illinois Law Enforcement Commission.

Before hiring employees to fill positions created by or becoming open during the life of the grant I hereby certify that _____
(grantee or subgrantee) shall:

1. Notify local and regional sources of potential minority and female recruitment of the availability of such positions and of the method of applying for them;
2. Prior to filling any such position, interview all minority and female applicants desiring consideration for the position;
3. In any instance where a minority or female applicant is not hired for such position, the grantee shall record in writing and keep on file the factors that in the judgement of the hiring authority rendered the person hired more qualified than the minority or female applicant.
4. Comply fully with EEOC Guidelines on Methods of Employee Selection 29 CFR 1607;
5. Be prepared to document its compliance with this condition.

Signature

Title

Date

ILLINOIS LAW ENFORCEMENT COMMISSIONEMERGENCY ADOPTION OF ILLINOIS LAW ENFORCEMENT
COMMISSION FINANCIAL GUIDELINES

Please take notice that the Illinois Law Enforcement Commission's Fiscal Guidelines dated January 1, 1974 are void March 1, 1978 (I.A.P.A. Sec. 7.01b) and replaced by ILLINOIS LAW ENFORCEMENT COMMISSION FINANCIAL GUIDELINES - May 1975 as Revised January 1, 1978.

The emergency adoption is necessary because of subsequent enactment of various federal and state regulations amending the provisions of the original guidelines.

The purpose of these guidelines is to insure that all persons receiving financial assistance from the Illinois Law Enforcement Commission, shall comply fully with all applicable state and federal financial guidelines; and to provide a uniform procedure for the fair and orderly interpretation, implementation, and enforcement of those guidelines.

Statutory Authority: P.A. 80-805

Effective Date: February 28, 1978

(Full text follows "Proposed Adoption Notice")

See Page 75



NOTICE OF EMERGENCY RULEMAKING

Emergency Rules Become Effective Upon Filing with the
Secretary of State and Remain Effective for a
Period Not To Exceed 150 days.

Agency: Joint Committee on Administrative Rules: Adoption of
Purchasing Rules.

Statutory Authorization: Chapter 127, Paragraph 132.5 (Section
5 of the Illinois Purchasing Act)

Effective Date of Rule: March 3, 1978

Description of Emergency: The Joint Committee on Administra-
tive Rules is a newly created State agency. In order
to comply with the Purchasing Act the Joint Committee
must adopt purchasing rules, so that necessary pur-
chases can be made to operate the office of the Joint
Committee.

Summary and Purpose of Emergency Rule: These emergency rules
adopt by reference the purchasing rules of the Depart-
ment of Administrative Services' purchasing rules.

TEXT OF EMERGENCY RULES

PURCHASING AND CONTRACTS

- Rule 1.1 In the following instances goods and services will be procured after investigation as to the most economical source, considering convenience and necessity for early delivery or completion but without advertisement for bids and without asking for competitive bids:
- (a) for personal services payable from an appropriation for personal services; and
 - (b) for services requiring professional, or artistic skills.
- Rule 1.2 Contracts for the purchase of commodities or equipment will be made through the purchasing facilities of the Department of Administrative Services in accordance with the rules and regulations of that Department governing such purchases.
- Rule 1.3 All office supplies furnished for the use of the office of the Joint Committee on Administrative Rules shall be purchased in accordance with the rules and regulations of the Department of Administrative Services.
- Rule 1.4 Purchases of printing paper, stationery, envelopes and printing shall be made in accordance with the rules and regulations of the Department of Administrative Services.
- Rule 1.5 Plans, specifications and bid documents for repairs maintenance, remodeling, renovation or construction of buildings may be procured from the Capital Development Board. Prospective bidders for such projects may be selected from the prequalification list, maintained by the Capital Development Board. All advertising or other solicitation for bids and the letting of the resulting contract to the lowest bidder shall be by the Executive Director and in the name of the Joint Committee on Administrative Rules.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ROOM 1818, STATE OF ILLINOIS BUILDING
CHICAGO, ILLINOIS
THURSDAY, MARCH 23, 1978
10:00 A.M.

AGENDA

A. Old Business

1. Approval of last meeting's minutes
2. Secretary of State's Rules on Rules
3. Possible amendments to the IAPA

B. New Business

1. Uniform Definition of "State Agency" and University Rulemaking concerning Financial Practices - Presented by Robert G. Cronson, Auditor General.
2. Review of Proposed Rules
 - a. Department of Conservation
Proposed amendment to the Rules and Regulations for the hunting of wild turkeys.
-Notice published in Illinois Register: 3-3-78
-Expiration of Notice Period: 4-17-78
 - b. Dangerous Drugs Commission
Proposed adoption of schedules of Controlled Substances of the Illinois Controlled Substances Act.
-Notice published in Illinois Register: 2-3-78
-Expiration of Notice Period: 3-20-78
 - c. Dangerous Drugs Commission
Proposed Rulemaking concerning the Placement of Phencyclidine in Schedule II of the Illinois Controlled Substances Act.
-Notice published in Illinois Register: 2-17-78
-Expiration of Notice Period: 4-3-78
 - d. Dangerous Drugs Commission
Proposed Rulemaking concerning the Placement of Lorazepam in Schedule IV of the Illinois Controlled Substances Act.
-Notice published in Illinois Register: 2-10-78
-Expiration of Notice Period: 3-27-78
 - e. Dangerous Drugs Commission
Proposed Amendments to Articles I and VI of the Rules and Regulations for Drug Abuse Programs.
-Notice published in Illinois Register: 2-10-78
-Expiration of Notice Period: 3-27-78

- f. Department of Insurance
Proposed Rule 22.01 concerning Pension Examination and Compliance Procedures.
-Notice published in Illinois Register: 3-3-78
-Expiration of Notice Period: 4-17-78
- g. Illinois Lottery Control Board
Proposed amendment of lottery rule 8 pertaining to business location.
-Notice published in Illinois Register: 2-24-78
-Expiration of Notice Period: 4-10-78
- h. Department of Personnel
Proposed amendments of Classification and Rate Schedules.
-Notice published in Illinois Register: 3-3-78
-Expiration of Notice Period: 4-17-78
- i. Department of Public Health
Proposed Rule 9, Second Edition, For Evaluating the Impact of Health Programs.
-Notice Published in Illinois Register: 2-3-78
-Expiration of Notice Period: 3-20-78
- j. Department of Public Health
Proposed Rules and Regulations for the Choke-Saving Methods Act.
-Notice Published in Illinois Register: 2-10-78
-Expiration of Notice Period: 3-27-78
- k. Department of Public Health
Proposed Revision of Rule 4.10 of the Rules for Processing Application for Permit Filed by Hospitals.
-Notice Published in Illinois Register: 2-24-78
-Expiration of Notice Period: 4-10-78
- l. Department of Public Health
Proposed Revision to Rule 3.03C of the Illinois Health Care Facilities Plan - 3rd Edition.
-Notice published in Illinois Register: 2-24-78
-Expiration of Notice Period: 4-10-78
- m. Pollution Control Board
Proposed amendment of the Air Pollution Regulations as they Pertain to Nitrogen Oxides.
-Notice published in Illinois Register: 2-10-78
-Expiration of Notice Period: 3-27-78
- n. Pollution Control Board
Proposed Amendment of the Noise Pollution Regulations as they pertain to Motor Racing.
-Notice published in Illinois Register: 2-24-78
-Expiration of Notice Period: 4-10-78

- o. Department of Registration and Education
Proposed Adoption of Rules relating to allocation to eligible applicant facilities of funds appropriated to the Department of Registration and Education to contribute to the support of public museums in this State.
-Notice published in Illinois Register: 2-24-78
-Expiration of Notice Period: 4-10-78

- p. Department of Revenue
Proposed Amendment of the Coin-Operated Amusement Device Tax Rules.
-Notice Published in Illinois Register: 2-24-78
-Expiration of Notice Period: 4-10-78

- q. Teachers' Retirement System
Proposed Adoption of New Regulations for the Teachers' Retirement System.
-Notice published in Illinois Register: 2-24-78
-Expiration of Notice Period: 4-10-78

If there are any questions concerning the Joint Committee's agenda, please call (217)782-2254.

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ALAN J. DIXON
Secretary of State

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